HOUSE OF ASSEMBLY

Tuesday, 17 November 2015

The SPEAKER (Hon. M.J. Atkinson) took the chair at 11:00 and read prayers.

The SPEAKER: Honourable members, I respectfully acknowledge the traditional owners of this land upon which this parliament is assembled and the custodians of the sacred lands of our state.

Auditor-General's Report

AUDITOR-GENERAL'S REPORT

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (11:01): I table a statement of clarification on behalf of the Minister for Investment and Trade and Defence Industries.

Bills

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL

Committee Stage

In committee.

(Continued from 28 October 2015.)

Clause 50.

Mr GRIFFITHS: I have a question about certification and verification of information, and I will just put a question posed by the Master Builders Association, who say:

> Given the absolute authority provided to the published versions of planning instruments in section 50, public availability of archived versions to ensure historic depth of information will allow planning participants to assess reasons behind different outcomes over time. Such an approach will also allow participants to be fully transparent about versions relied upon during the planning process.

Is that an option that will be considered, minister?

The Hon. J.R. RAU: Could I just have the substance of the question again? Which bit in particular is the question directed to? Sorry, I did not follow it.

Mr GRIFFITHS: Given that the clause talks about information that will be published on the planning portal, I take the question to mean: is it that only the current version of the information is on the portal or is it that previous versions of information dealing with similar areas are also on the portal to give the flow of how things have been reached and what the current situation is?

The Hon. J.R. RAU: I would need to check, but my expectation would be that the portal would reflect the position at the point in time at which the portal was interrogated. So, it would be a current record of what the rules are.

Clause passed.

Clause 51.

Mr GRIFFITHS: This question is from the Local Government Association. They ask whether confirmation is required about the extent to which an online system will be automated to make determinations about the category of the development; for example, is it based upon the information submitted by the applicant? If this is the intention, can consideration be given to how to handle the situation if the category attached to it is based upon that information and that comment from the applicant but it is later found that it should have been allocated to a different category of development and how will that be dealt with?

The Hon. J.R. RAU: I am sorry, but I cannot understand the question.

Mr GRIFFITHS: Let's say that a determination is made about the category of the development at the time of the application being lodged. I presume that much of that is based upon the self-assessment proposed as part of the application being lodged. If it is found that the category attached to that was incorrect, what action would be taken and how would that be treated?

The Hon. J.R. RAU: My expectation would be that that would be a matter which would be clarified in the regulations. That said, I will take that on notice and see whether there is anything further I can advise in that respect. Further to that, I am advised that the analogy that might be helpful is that the taxation department, for example, has a system whereby there is, in effect, automated decision-making based on certain information, and it is envisaged that, over time, this will increasingly deliver that sort of outcome.

Initially, it would be expected that it would be small class of things which were capable of that as the thing is first rolled out but that, as it becomes more sophisticated and more work is done, it would be expected that larger areas could be dealt with in that way. Again, I think that the answer does lie ultimately in the regulations. As I understand it, it is not expected that on day one we are going to have a completely automated decision-making process but that it would commence with a relatively small number of very clear things and that would gradually expand.

Mr GRIFFITHS: I appreciate the comments and I understand that there is a time factor on the implementation of it all. However, some concerns have been put to me about the potential for legal challenges based on the determination that has been given about the category attached to it. I understand every effort has been made to ensure that is not the case, but one of the industry groups has put that concern to me.

The CHAIR: Is that a question or a comment?

Mr GRIFFITHS: That was a comment. I have another question on behalf of the Master Builders Association. They seek confirmation that the online delivery of planning services provided for in clause 51 incorporates planning services related to building approvals, including the lodgement, assessment, issuance and registration of planning applications and approvals. They have a question about the definition of 'development', which is back within clause 3 at the very start. It would appear to indicate that this is the case but, given that the consolidation of planning processes for both development and building would deliver significant benefits in this reform process, they have a preference that the option is not overlooked. They want to make sure that is covered as part of what is being considered.

The Hon. J.R. RAU: The particular option they are concerned about is what?

Mr GRIFFITHS: The online planning portal. Because it incorporates so many different areas and because there is a definition of development at the very start of the bill, and they do recognise that it brings about significant benefits, they want to make sure—I must admit, they are not very clear on this, minister, which does not help my cause. I think we might accept clause 51.

Clause passed.

Clause 52.

Mr GRIFFITHS: Notices are published in the *Gazette*, but the question posed to me is: why isn't this actually done in an electronic format also?

The Hon. J.R. RAU: The *Gazette* is the official government organ for doing these things and it would be done in the normal way. Whether or not at some point the *Gazette* becomes an electronic product is an issue more about the *Gazette* than about this, if that makes any sense. Ultimately, I am sure the *Gazette* for all purposes will become a digital platform, I expect—

The CHAIR: On the interweb.

The Hon. J.R. RAU: On the interweb—but that particular thing will move at the pace that the *Gazette* itself moves at and has nothing particularly to do with this.

Ms CHAPMAN: I am interested in how this is going to fit within the freedom of information provision, which is—

The CHAIR: We are on clause 52.

Ms CHAPMAN: Yes, I know. We are onto the section on online delivery of planning services and then we have protected information, which is what we are discussing at the moment. Then it says in clause 53 that the Freedom of Information Act does not apply in relation to documents, etc. In relation to clause 52 first, what is the information protected against?

The Hon. J.R. RAU: I am advised this contemplates circumstances where it might be inappropriate for certain information about a proposal to be put up on the portal. For example, you might imagine a building which has a particular part of the building that is there for security purposes, or a bank vault or something of that nature. Would you be putting that up so that anybody who wanted to rob the place could just go on the portal and find out where to go? That is the sort of thing we are talking about.

Ms CHAPMAN: But do you have current provision in the planning laws to give the minister power to restrict access to this information?

The Hon. J.R. RAU: By regulation, I am advised.

Ms CHAPMAN: So why put it in the statute or propose it to be?

The Hon. J.R. RAU: Normally I get the other question from the opposition; so, I have just been trying to help you where I can.

The CHAIR: Member for Bragg, you have had your three questions already. What are we going to do here, because we have got 180-odd clauses? If we go carte blanche we are going to be here for ever, and three is normal.

Ms CHAPMAN: I will make it a supplementary to the last answer, if you like—

The CHAIR: Okay; a supplementary.

Ms CHAPMAN: —in relation to the regulation or statute.

The CHAIR: We are prepared to do a supplementary in the interests of trying to be conciliatory, but we just cannot have unlimited numbers of questions on every single clause.

Ms CHAPMAN: I appreciate that, Madam Chair. Given that you are offering it in the statute, why then have we got a provision under subclause (1)(c) which is to provide for regulation, because I am trying to identify the extent upon which your power is going to be in statute for these two—confidentiality for personal information and security (one of which you have given an example, minister)—and now by regulation. So, what else is proposed?

The Hon. J.R. RAU: This is intended to be a piece of legislation which will be functional for a couple of decades and which will serve our needs. We know, and we have identified the one that we discussed a moment ago as something that was very likely to be an issue—

Ms CHAPMAN: Paragraph (b).

The Hon. J.R. RAU: In paragraph (b). This is simply to say: if something has not been thought of presently and it becomes something which should be added to the list, then we have the capacity by regulation to do so.

The CHAIR: Any further questions from you, member for Goyder?

Mr GRIFFITHS: I have a clarification, minister. I note that the bill talks about a maximum penalty in subclause (3) of $20,000. Is that an identical figure that is currently in the regulations?

The Hon. J.R. RAU: I am advised that the penalties have been increased across the board. What the present one is, we would have to check, but it is in the regulations.

Clause passed.

Clause 53.

Ms CHAPMAN: This clause deals with the Freedom of Information Act not applying, which does appear curious given that this is supposed to be the new, open, transparent process. Can I just identify, first: is it intended that the Freedom of Information Act is not to apply to documents, etc., produced under this section (which is the online delivery of planning services), or is it to be across

the board in respect of all documents received, created or held under this division by the commission?

The Hon. J.R. RAU: There are a couple of things. First of all, this replaces regulations under the existing provisions of the act, and what we are saying is this: if this information is sitting there in the public domain on the portal that is the place you can get it, and FOI should not be used to have people scurrying around obtaining things that someone can easily find by pressing a button and finding them. That is the reason for it.

What we are saying is: what is on the portal already is already available to anyone who wants to look at it, and therefore there is no need for that to be the subject of FOI searches, nor is there any need for FOI officers to spend their time trawling through the portal in order to satisfy an FOI request when an individual seeking that information is perfectly capable of making that search themselves.

Ms CHAPMAN: So why then, minister, is it even in the act when already under the FOI Act there is provision for that material to not be delivered on the basis that it is available online in the public domain which is already in the FOI Act?

It just seems curious to me that we are adding into this bill a provision which is already in practice and which is used when people, of course, try to get documents under FOI. They have searched the alleged electronic place of pushing a button and finding it, and, of course, it is either shut down, closed, removed for the day, difficult to find, etc., and then it is provided in a letter to say, 'Go and have a look at it on the website' at such and such a place. Why do we need it in this act when it is already under the freedom of information law?

The Hon. J.R. RAU: I will get some further information on that, but it has been suggested to me that possibly the powers of release under the Freedom of Information Act might contradict, in particular, the protected provisions in section 52. Therefore, it makes it clear that whatever the FOI has to say does not prevail over section 52 determinations.

Ms CHAPMAN: In respect of the FOI exemption, in the event that the material is not available electronically, how is that then to be produced? That is, if it has been on the portal and it has then been removed—so, it has been published electronically and has existed in that form but is then removed—will the document then be able to be produced or, in fact, produced consistent with an FOI application?

The Hon. J.R. RAU: Again, my understanding is that the intention is that the material which is on the portal is to be protected in this way, but I will seek advice as to whether or not material which was on the portal and was subsequently removed might be captured.

The CHAIR: This is a supplementary to that last question?

Ms CHAPMAN: Yes. In relation to the FOI generally, in looking at the bill and the new planning commission—and clearly it is not an exempt agency under the FOI Act, otherwise it would be specified somewhere—is every document or record proposed to be held by the commission under this new regime except for this clause which is the online delivery of planning services section, subject to the same rules that apply under FOI as the current planning department?

The Hon. J.R. RAU: I am advised it is only this bit where the prevailing rules are disturbed.

Clause passed.

Clause 54.

Mr GRIFFITHS: Of itself, it is obvious that I had a variety of opinions about this one: fees and charges. Local government put some concerns to me, and I have had feedback from the Environmental Defenders Office, Community Alliance SA and the Master Builders Association. At the very start it states that, 'The Chief Executive may…impose fees and charges.' I have to ask the obvious question because these will, potentially, be billed to local government upon a bill that the chief executive delivers to councils: is there any ability for negotiation and discussion about what the makeup of these fees will be?

The Hon. J.R. RAU: Yes, there is, and this is a matter that has been raised with my office by the Local Government Association, and we intend to talk to them about that. So, the answer is yes.

Mr GRIFFITHS: Can I just seek some guarantees on some time frames, minister? I did forward through to the LGA some of the amendments in regard to 155 onwards, and they tell me there has not been much discussion in recent times with your department about, particularly, the infrastructure levy area. Is this intended to be part of the discussions between now and the other place sitting when the bill will be debated at further length?

The Hon. J.R. RAU: Yes, that is correct. In summary, the LGA have come up with a number of propositions which basically talk about there being avenues for consultation, in effect. And, by and large, those matters are not matters that we are likely to have a great difference about.

That is a very general proposition, and of course I do not mean it to be taken as that everything they have said we agree with necessarily but, inasmuch as the LGA is saying, 'Look, these things will impact on council. We think we should be somebody that you speak to about it', I consider that to be a perfectly reasonable proposition, and that is how we intend to proceed.

Mr GRIFFITHS: Can we seek clarification on the timing of that? Because council set their budgets each June, and that sort of thing, is this intended to be a cost implication from early next year on the basis of the legislation being placed?

The Hon. J.R. RAU: No. I think it is important for us to understand that the lead time in the preparation of this thing is going to be not counted in weeks but possibly a year or two. So, assuming the bill passes more or less in this form, there will be a lot of time for everybody to be involved in conversations about this, so councils are not going to be put in a position where they are suddenly hit with unbudgeted costs in the forthcoming year.

Mr GRIFFITHS: I appreciate the confirmation of that by the minister. If we can go to subclause 3(a) where it says that fees, charges or contributions may be set on a differential basis, I am looking for some clarification on that. Particularly, is that on the basis of a metropolitan versus regional area, or is it CBD versus suburban versus regional? How is that considered?

The Hon. J.R. RAU: It is contemplated, as I understand it, that there may be a differential rate based on, for example, the number or volume of transactions, so if you have a very high volume user it might be that it is reasonable for there to be a differential rate for the high volume user, in other words, perhaps different transactional rates for them. Again, that would be something that would be discussed. Just because the capacity for that is there does not necessarily mean, ultimately, it will be used. It is just to provide the option for that to occur.

Mr GRIFFITHS: Supplementary.

The CHAIR: Well, you are pushing it now.

Mr GRIFFITHS: Sorry, as a follow-up to that.

The CHAIR: A supplementary to the supplementary to the supplementary.

Mr GRIFFITHS: Just to make sure: so a higher volume user, therefore, the more it is used, potentially the lesser fee per transaction.

The Hon. J.R. RAU: I am just throwing that up as an example of what might be; I am not saying that is what will be. I am just saying that it might be argued that that makes sense. An example that was just brought to my attention is that the difference between, say, Walkerville and Marion is substantial, even though they are both metropolitan.

Ms CHAPMAN: I will come back to the councils in a minute but, as I read this, both the fees and charges that the chief executive will set with your approval will be able to be varied on a differential basis, and also the contribution made by councils as to whatever that is going to be can vary. The way I see the latter is that if the Streaky Bay Council uses it once a year, they will be paying potentially the top dollar. If the Onkaparinga Council uses it 100 times in a week, they will get a cheaper rate.

I understand how that works, but in relation to the fees themselves, what basis is there for a differential rate to be imposed on the implementation of those fees to the world at large, whether I go into the portal and am charged a fee for the provision of information, or whether the UDIA or the Property Council, or some other reputable body on behalf its members goes in, or a large property developer, or the Burnside Residents' Association?

The Hon. J.R. RAU: The answer is: I am not saying this is going to occur, and there would be a conversation with the people who would be involved in the thing to try and set a new fee structure. All I am saying is that one possible outcome of that would be a differential fee structure. I'm not saying it will be a differential fee structure: I am saying that is one possible outcome, that is all, and there will be consultation about this. This is not going to pop out of nowhere.

Ms CHAPMAN: At the moment, minister, isn't the situation that for the purposes of the fee being set, it is set, and it applies the same to everybody, and there may be power for a relief of the payment in exceptional circumstances (they are my words) and, obviously, sometimes a submission can be put to suggest that the applicant ought to be relieved of that obligation. Obviously, ministers have power to be able to deal with those extraordinary circumstances. Why is this happening for this?

The Hon. J.R. RAU: Can I emphasise again: we are not saying this will be the outcome. We're saying that—

Ms Chapman: Why is it there at all?

The Hon. J.R. RAU: Because it might be a useful way to proceed. Let me give you a hypothetical: if, for instance, the minister is always forgiving a particular group of people but they have to be done on an individual basis, why not actually have a regulation that says these people, who the minister is presently doing one by one and forgiving, are going to be classed as a group of people who are not going to be paying the fee, if that is the case—if that is the case. I do not think we can take this any further. The thing is it is there as an alternative which may or may not be used by the minister of the day after consultation with people using the service.

Ms CHAPMAN: The potential problem, minister, of course, is that you or any subsequent successor to you is in a position to be able to relieve people of the obligation to meet the pay in an inequitable way—mate's rates—and we want to know the basis upon which it is there. Whilst you say you are trying to deal with all future contingency, did Mr Hayes' review recommend it or ask for it? Was there a particular group in the community who said they want to have the option on this other than the usual practice, which is that the fee is set, it is gazetted, everyone knows what it is, and everyone pays unless, as I say, there is an application made in extraordinary circumstances?

The Hon. J.R. RAU: I think I have answered this question three times.

Mr GRIFFITHS: If I may also—

The CHAIR: You are already up to three and two supplementaries on this clause.

Mr GRIFFITHS: I apologise, Chair, but it is an important thing just for clarification, because I do consider that the minister's comments will guide how things occur in the future.

The CHAIR: Well, I am in the house's hands. I am here as a servant of the house, but if we are going to have unlimited numbers of questions on every clause we could be in here for a long time, so can we apply some discipline to what we are doing?

Mr GRIFFITHS: Sure.

The CHAIR: This is your last question on clause 54. It will be a doozy.

Ms Chapman: It should, if we get an answer, of course.

The CHAIR: Well, I cannot make the minister do what you want, I'm sorry.

Mr GRIFFITHS: Minister, the principle about fee setting, is it based upon a cost of recovery basis or will there be some level of profit attempted to be derived from it? I am not sure how you would even qualify that. Is it only on a return for what the cost of operations is?

The Hon. J.R. RAU: As I understand it, the principle would be certainly no more than cost recovery, and it might be that the fees do not actually recover all of the costs. There are two elements to the cost. The first one is the initial establishment cost, if you like, the big balloon at the beginning. I think government accepts that that balloon is going to be basically a state budget issue, but by the same token the ongoing running of the scheme, once it is settled, should not be that the scheme and its users are subsidised by the broader taxpayer unnecessarily. It depends what you are talking about. That bubble at the beginning, I do not think there is any question about that. That is something that is just an investment that the state is going to have to make to establish this, just like you do with establishing anything.

Mr Griffiths interjecting:

The Hon. J.R. RAU: Yes. The idea is that it's no more than cost recovery; it cannot be any more than cost recovery.

The CHAIR: You can squeeze in one more.

Mr GRIFFITHS: Thank you for your indulgence. I refer to subclause (4) where the last word is 'debt'. If the council refuses or does not pay a bill that is forwarded, it will be recoverable by the chief executive as a debt. I am not aware of a lot of occasions where the impasse has existed between state and local government, given that the state controls what local government's actions are. Is this put in again as an example of a possibility that may need to be there in case there is an issue that needs to be addressed later?

The Hon. J.R. RAU: Yes, and I would envisage and hope this never occurs, but it just makes it clear that these costs, if incurred, are expected to be paid.

Clause passed.

Clause 55.

The Hon. J.R. RAU: I move:

Amendment No 15 [Planning–1]—

Page 49, line 9—After 'requirements' insert '(including requirements that can be met in a variety of ways)'

Amendment carried.

The Hon. J.R. RAU: I move:

Amendment No 16 [Planning–1]—

Page 49, after line 24—Insert 'or'

(c) in any case, so as to negate the need to obtain planning consent for a change in the use of land under the terms of the relevant provisions of the Planning Rules (insofar as may be required under the other provisions of this Act).

Mr GRIFFITHS: I am not necessarily against it, but I just have to question whether the minister can explain the reason for this amendment.

The Hon. J.R. RAU: What we are trying to do here is deal with an issue that has been brought to my attention, which is that in some places councils have been superimposing additional requirements above and beyond the building rules. That particular amendment was to make clear that the building rules did not dispense with the need for planning approval. We are saying that, as part of planning approval, you cannot muck around with the building rules, but just because you are within the building rules does not mean you do not have to bother getting planning approval.

Amendment carried.

Mr GRIFFITHS: This talks about principles, Chair, which I consider quite important, because I am a person who believes that, while there does need to be an overarching set of codes and all that sort of thing and everything that is put in place, there needs to be an opportunity for some form of local vision to be established. So, the comments posed to me are that one of the principles should be to provide scope for local variations that reflect the special and unique local character—that is

under clause 1. Because you talk about 'any other principles prescribed by the regulations', is it possible to include those sorts of words?

The Hon. J.R. RAU: That is provided for in here, because we envisaged that there would be a relatively concise library of policies which would have the capability of—I think the term is overlays or underlays or zones and subzones. There is capacity here for there to be some local nuance added, but not so much as to completely take the basic library code into a completely different place.

Mr GRIFFITHS: I thank the minister for that. If I can just ask a question on subclause (1)(b), which states that 'rules should be based on clear performance outcomes'. My question then becomes: who determines what those outcomes are? Is that the responsibility of the state planning commission?

The Hon. J.R. RAU: It will be a code. So the code itself, when it is formulated, would be a code expressed in language of performance rather than prescriptive language saying, 'All windows are going to be green and all woodwork has to be painted blue,' or that sort of thing. It would be in terms of performance criteria and you would encourage the person who is doing the work to put forward proposals to actually meet the performance criteria, as opposed to being given a whole bunch of prescriptive guidelines.

Ms CHAPMAN: Subclause (4) makes provision for the applicability not to deal with state heritage place or local heritage place. Could the minister explain what is the situation with respect to those state heritage places or, indeed, local heritage places? My understanding is that during the negotiations of this matter there was proposed consideration for amendments to this legislation to enable adaptive re-use of our heritage stock, which is an important part of the assets of South Australia which, sadly, are frequently left derelict and certainly, from our side of the house, we are keen to have dealt with. If the principles are not to apply to this when are we going to see some reform in relation to it?

The Hon. J.R. RAU: I tried to explain this at the beginning of this debate. There are a couple of things to be said to that question. The first thing is that we have deliberately not attempted to make a wholesale change to rules relating to heritage in this bill, and I explained that at the beginning. The reason is because were we to have done that (a) this job would have been much bigger and (b) there is a whole range of issues which are quite particular to heritage which would then have been attracted into this conversation, so we are doing that as a separate body of work. That is point number one. That will come, I hope, midway through next year and then we can have a detailed conversation about heritage in particular. This bill deliberately puts a light touch on heritage because that is a separate piece of work.

The second point I would make is that I do understand the issues about adaptive re-use and we are interested in those. I am looking at some sort of amendment in this bill, not particular to heritage, which would provide a head power for the type of adaptive re-use that I think the deputy leader is talking about to be provided for within the codes in the legislation. The adaptive re-use of not just heritage buildings but all buildings which have passed their optimal use, is a very important matter which I have been very concerned about for some time.

Part of the solution will lie in planning rules; part of the solution is one that I have been attempting to get on the national agenda—and the Premier is taking this up at COAG—and that is the question of disability access where there are very prescriptive rules which have the effect of basically imposing significant capital costs on what might be otherwise relatively minor but very useful developments. That needs to be looked at.

We are looking at the national building rules, because they are another issue, and we are also looking at things relating to fire regulations. There are three or four different areas where work is being done simultaneously but it is my intention to have something in here which can deal with, in a general sense, some sort of scalable proposal to encourage adaptive re-use of older buildings whether they are heritage or not.

Ms CHAPMAN: Are those matters on the COAG agenda for the next meeting and, if so, when is it?

The Hon. J.R. RAU: Yes. The business that has to be on the COAG agenda is the disability access proposition because that is a federal act, and it is on the COAG agenda. As to exactly when COAG will get around to finally dealing with that I do not know; that is out of my hands. However, I do know that, because I have spoken to state counterparts of mine around the country, the concern I have about that is shared around the country. South Australia, I think, has put that on the COAG agenda. My expectation is there will be general support around the country for some refinement of those rules. As to exactly when that occurs, that is in the hands of COAG, not in my hands.

Can I also say that, if those opposite are interested in this issue, there is one piece of legislation in the parliament presently, in the other place, which, if it were to pass, would be of great assistance, and that is, for the information of members, the Local Government (Building Upgrade Amendments) Amendment Bill, which does actually do some work in that place and would be of great benefit.

Ms CHAPMAN: So, is this a COAG-proposed meeting for you as minister or the Premier?

The Hon. J.R. RAU: No, COAG does not concern itself with the likes of me. This is for leaders, so this is a matter for others.

Ms CHAPMAN: Just to clarify it then, your understanding is somebody has put it on the Premier's COAG meeting list, and it is yet to be determined about when it might be dealt with.

The Hon. J.R. RAU: No, as I understand it, the Premier, as the leader of South Australia, has taken a proposition to COAG and asked COAG to think about this matter. It is, as a result of him having brought it to them, on their agenda somewhere as a matter to consider. When they actually get to it and what they do about it is not something over which I have any control. I am simply making the point that, to the extent that South Australia is able to do anything about this, that is the appropriate forum and we have taken it to that forum.

Ms CHAPMAN: Some might say, minister, that that is just delaying, by putting it into the bigger picture issue in relation to disability reform, any kind of practical application here in South Australia. I am not being critical of the Premier putting it on the list, whenever that might be reached, but if it is, as you suggest, being advanced in that forum, and that is the most appropriate or necessary forum in which to do it first, then could you come back to the house with details of when it went on the agenda and an update to the house as to what the progress is as to the consideration of any amendments, draft bill, investigations or the like which are actually happening?

The Hon. J.R. RAU: I will try to find that out, but can I make something clear to the deputy leader: I am sure she knows it, but this is a federal act of parliament.

Clause as amended passed.

Clause 56.

Mr GRIFFITHS: I note this clause provides:

(1) The Minister may prepare state planning policies.

I know that is obviously going to occur, so I know why it is there, but the Local Government Association has put to me that, given it has had forever a very strong involvement in the preparation with communities of state planning policies, does this clause extend to the fact, or can it extend to the fact, that local government will be involved in the development and preparation of state planning policies?

The Hon. J.R. RAU: Yes, the intention is to involve local government. Some of the amendments which will probably be dealt with either a bit later today or between the houses will pick up that point with a view to making it clear that local government has to be engaged in this process.

Mr Griffiths: I'm not sure I've seen those.

The Hon. J.R. RAU: No, they're not—when were they completed?

An honourable member: Amendments to come.

Ms CHAPMAN: I am comforted by subclause (4), minister, which provides:

A state planning policy is not to be taken into account for the purposes of any assessment or decision with respect to an application for a development authorisation under this Act.

I take this to be, but want it confirmed, that nothing that the government publishes in respect of its intention or goals or aspirations in this policy space is to be taken into account for the purposes of assessment. In fact, it specifically excludes, really, a wish list of the government, a policy indication to the public of South Australia, as to what it would like to do rather than actually impose any obligation on either the commissioner or any of the panels and new structures that are about to make the determination of planning authorisation.

The Hon. J.R. RAU: Subclause (4) says that.

Ms CHAPMAN: My question, then, is about the new South Australia's Multiple Land Use Framework, which has been published this week and sent to me and, I expect, other members of parliament and other organisations. It has a foreword from the Premier, and a letter from a chief executive, and sets out what appears to be the government's answer to its priorities in multiple land use of, primarily, rural property, it seems, or oceans, given the example used. I am not sure whether land is now to include oceans but it certainly refers to Spencer Gulf and its multiple use with ships and fish and researchers and everyone else.

In any event, it sets out this aspirational target. It has gone out for consultation to be answered in November/December; I got mine this week. I am not quite sure when the time is, but I imagine it is a couple of weeks' time.

Mr Griffiths: 16 December.

Ms CHAPMAN: 16 December—shamefully short. Nevertheless, it is a document which the Premier tells us is consistent with his objectives for future development in the state and what he talks about as being smart and environmentally sustainable, blah, blah, blah. The letter invites 'you and your organisation', and I point out that the people of Bragg or the people of South Australia whom I represent are not an organisation and I think it is insulting, frankly, to be sent a roneoed letter in that form.

Let me get to paragraph 3, which says that the document seeks to outline South Australia's philosophy on land, land access and land use change, minimise land use conflict and provide greater certainty for industry, communities and regulators regarding land use. It goes on to say it also seeks to support better outcomes for communities by increasing transparency and consistency in land use decision-making.

The point I would like to have clarified is: if it is to do all these things (identify clarity, transparency, etc. in the decision-making in respect of land use), why is a policy document qualified by having it not applicable for development authorisation? Is it the case that this is really just a pamphlet that is of no effect whatsoever and which has no imposition on the planning laws that are to apply?

The Hon. J.R. RAU: I understand the question and I think the best way to explain it is this. Incidentally, that particular piece of work is something I understand PIRSA is doing.

Ms Chapman interjecting:

The Hon. J.R. RAU: I am just explaining it is a piece of work being done by PIRSA. The point basically is this: this is saying (and I think I have got this) that, if the particular code applying to your property says something, then it is no good pointing to the state planning high policy document as some reason to say that the thing which is actually applying to your property does not.

Ms CHAPMAN: In short, what is the point of having a state policy, other than to have an excuse to put out pamphlets and glossy brochures and talk about all the sustainable development, blah, blah, blah, if it is to have no import or purpose, particularly by putting it in the statute that is proposed, if it is to have no influence or capacity to change that? Why are we having clause 56 at all?

The Hon. J.R. RAU: The document that the deputy leader is referring to is not actually the document that clause 56 is talking about.

Ms CHAPMAN: Minister, let me put this to you, and this is the third question

The CHAIR: No, you have had three really long questions.

Ms CHAPMAN: To be fair, it is suggesting that this does not apply.

The CHAIR: No; we need you to be concise, so if the last supplementary could be a precise question.

Ms CHAPMAN: I thought my questions had been fairly short to date.

The CHAIR: No. I am not sure what we are using as the yardstick.

Ms CHAPMAN: Perhaps on this clause they have been a little bit longer.

An honourable member interjecting:

The CHAIR: She is not getting fired up at all. This is the short supplementary to the last question.

Ms CHAPMAN: Is the minister actually saying that this document, because it has been put out by PIRSA, prefaced in relation to the development of land, has not been a matter which has come to your attention as the Minister for Planning? That is, that it is another department. This is a policy document on multiple land use framework for a large part of South Australia, from Woomera to the marine parks—

The Hon. J.R. RAU: The answer is: in terms of this legislation it is not a state planning policy, it is something else. It is very important. It has been worked on by PIRSA, but in terms of this section it is not what is referred to as a state planning policy. The other point (a fairly straightforward point) is, if your zoning says, with respect to your property, you can do X, the point of the provision that everyone is referring to is that it is no good arguing to the contrary on the basis of the state planning policy.

Mr PEDERICK: In relation to state planning policies, minister, and I noted in your answer to the member for Goyder that you would be consulting local councils, and if that happens that will be good, but I wonder what consultation has been had with councils in the proposed environment and food production area boundary, which extends, on my understanding of this map, right out to Boundary Road in The Rural City of Murray Bridge boundary, joining the Karoonda East Murray council, and takes in another council in my area, the Alexandrina Council, and certainly others in the member for Finniss's area, like Yankalilla, and there will be councils affected in the member for Kaurna's area—

The Hon. J.R. Rau: They're already affected.

Mr PEDERICK: Okay, they are already affected, that is fine. What I am talking about is other councils, what consultation has been had with those other councils, not just the ones to the east and south but also the ones to the north of Adelaide?

The Hon. J.R. RAU: It has been made fairly clear that there was going to be an environment and food production zone around the city. It has been made clear many times, and I have had meetings with the LGA about this on multiple occasions where it has been made clear, what the basic idea was. I explained to them that three-quarters of the map was already clear because we have the McLaren Vale area, which is already set, we have the Hills Face Zone, which is already set, we have Spencer Gulf, which is already set, and we have the Barossa protection zone, which is already set. So, the only question was: where the line went from the Barossa across to the gulf, and a map has been provided that explains that.

If you are asking about what happens behind that, each one of those councils has (within it) townships. Those townships currently have existing boundaries. Those existing boundaries may or may not yet be rezoned for development, but they do have existing boundaries. All that map does is acknowledge where those boundaries are and reflects the reality of where those boundaries are. That is all it does. Assuming that becomes the final position, it has zero impact on activity in the area which is not in the townships, other than to say the township will not expand to consume that area, that is all.

Mr PEDERICK: The nub of the question, minister, was whether you consulted councils, and I would say not with that answer, but you can refute that if you like in a minute. What does this mean, for instance, with the ability to create lifestyle blocks, especially along the River Murray flats, where a lot of them have gone out of production with the River Murray swamps, or in other areas close to places like Murray Bridge?

What will happen to proposed industrial development, such as feed mills or chicken sheds, which is obviously a food production thing? What happens with that sort of development under this zoning? Murray Bridge council has several zones they were hoping to open up, where there are, in the old language, five and 10-acre lifestyle blocks that they want to develop. Also, what happens to areas that already have approval but have not submitted full plans; for example, the Gifford Hill site that has the potential for about 3,000 blocks, which is the new Murray Bridge racecourse site? I have a lot of issues with that but, to me, it is outrageous that we only have this when we are well past clauses 5 and 7, where we could have debated this earlier.

I note that we have had 88 amendments tabled by the government anyway, so it shows how much disarray this bill is in. This, to me—and I do not want to be alarmist—looks like it is going to block virtually every development in a huge area. I do not believe that Boundary Road, which abuts the Karoonda East Murray area, is as vital a food production area as some people think. I will say that they do grow food out there and they are very good constituents, but we are not talking about land with the same value (and the farmers out there will acknowledge this) as land per se at Roseworthy or land that is under this very building that we stand on.

I am extremely concerned, as is the mayor of Murray Bridge—I have only been able to have a brief chat with him regarding this—about what this proposed boundary will do as far as development blocking out all of these kinds of development into the future, with the state government deciding to give us access to this map about a third of the way through the committee stage of this bill.

The Hon. J.R. RAU: There are a few things that need to be said in response to that. The first thing is: I do not know whether the member has been following this debate from the beginning, but I have made it clear from the very beginning that it was my intention that once this thing was put to the parliament I was going to use that as an opportunity for all of the interested people—all of them—to look at it and come back and talk to me.

Ms Chapman interjecting:

The CHAIR: Order! Minister.

The Hon. J.R. RAU: Thank you. And—

Ms Chapman interjecting:

The CHAIR: Member for Bragg, I have asked for order.

Mr Pederick: You've just submitted 14 more amendments.

The CHAIR: Member for Hammond, goodness me!

The Hon. J.R. RAU: If the member for Hammond can just calm down a bit. I explained to the parliament when this was introduced that the method we would use would be to put the bill in the parliament, talk to everybody who was interested in it—and a lot of people have been talking to us about it—and we would, in this house, move government amendments. I said that on day one. I am not embarrassed about moving amendments; I told everybody I would be moving amendments, and those amendments have been moved in response to people making representations, which we have considered and decided are worthy representations. So much for the disarray.

What is happening is what we said we were going to do from the beginning, which is actually to debate this bill and engage with the relevant people simultaneously and do all the hard work in here so that, when it goes somewhere else, they can just say, 'Well, they've done all the work now' and they can just smile at it. That is the first thing. So much for the disarray.

The second point is the question about industrial uses: no effect whatsoever. As to—you have a euphemism for it, I have a different descriptor—hobby farms, they have already been zoned for residential. From the perspective of agriculture, and probably horticulture as well, they have been

rendered useless by the existing divisions that exist. They are not large enough, in other words, to be a viable anything in the sense of being a commercial, productive piece of land.

My point is that they are already rezoned so they are already within township zones or surrounding township zones. They are acknowledged. We are not retrospectively unzoning those things to something which they previously were. If anybody is coming around to you saying they are zoned for—I think the euphemism is—rural living, you can say, 'If you were rural living, you still are. You are not going back to being a paddock.' Rural living is not what is being protected. What is being protected is agricultural land which is not basically disposed for housing which does not include rural living because that is disposed for housing. What you need to do is look carefully at what the current township boundaries are, including so-called rural living, and I think you will find they are preserved.

Mr PEDERICK: You still have not answered the question on whether you have had any consultation with the local governments in my area, and from you not answering it, I would say no. We only came across this document last week. You say it is not in disarray, but how do people know whether they are going to be involved or not? My local mayor only found out when I contacted him today about these potentials. I still have not had any clarity in regard to Gifford Hill and I am assuming with your industrial answer that that means whether there are industrial developments on land that is presently farming land, but I also note—

The Hon. J.R. RAU: No, I am not saying that at all and I will just be clear about that. I am saying that nothing we are doing is going to change one way or the other whether any particular bit of land out in that protection area is going to be used for industrial purpose or not. We are not changing anything.

Mr PEDERICK: But you have called this a proposed environment and food production area. The question I am raising is: if someone comes in regard to this particular thing or if someone wants to build, say, 20 chicken sheds, which is quite a viable opportunity in my area—

The Hon. J.R. Rau: No problem.

Mr PEDERICK: —or if there is maybe another development, such as a feed mill proposal or it might even be an industrial park. There is a lot of light industry in Murray Bridge. The thing that concerns me when we talk about the infill of, let's say, Murray Bridge is that:

> This boundary sets only to constrain the division of land and requires that no new allotments can be created for residential purposes and no new allotments can be created for any other purpose without concurrence of the planning commission.

So I assume that if our five acre or 10-acre blocks (or two hectare or four hectare for the newbies) get cut up, they will not have the ability to be developed without the authority of the planning commission. I still want an answer on whether any of these local governments have been advised about this boundary.

The Hon. J.R. RAU: The boundary that is here was the subject of extensive consultation with local government in the lead-up to the publication of the 30-year plan some five years ago.

Mr Pederick: That is the 30-year plan. It has nothing to do with it.

The Hon. J.R. RAU: It has a great deal to do with this.

The CHAIR: Member for Hammond. I am calling you to order.

Ms Chapman: You're joking.

The CHAIR: I am not joking. I am calling him to order. I am asking the house to observe standing orders and to listen to debate in silence.

The Hon. J.R. RAU: Secondly, can I make it clear again that the Local Government Association has been involved in this. They are the peak body and I am entitled to assume that they have discussions with their constituent members about these matters. I say again, before the member for Hammond and other people become agitated about this matter, that this is not changing existing township boundaries. It is not changing—

Ms Chapman interjecting:

The CHAIR: The member for Bragg is called to order.

Mr Pengilly interjecting:

The CHAIR: The member for Finniss is called to order.

The Hon. J.R. RAU: The fact is that—

Mr Pengilly: Get him back on track.

The Hon. J.R. RAU: Can I make this—

Mr Pengilly: Answer the question.

The CHAIR: Order, member for Finniss. I can follow the debate, so you must be able to, too.

The Hon. J.R. RAU: The member for Finniss should know this. He would be aware that if land is presently zoned for rural living, if you want to do something other than rural living you have to change the zone.

Mr Pederick: Yes, that's right. That's correct.

The Hon. J.R. RAU: Correct. And there is a process to change the zone.

Mr Pederick: But this is ruling out that process.

The Hon. J.R. RAU: No, it is not.

Mr Pederick: This document is ruling it out.

The Hon. J.R. RAU: It is not.

The CHAIR: Member for Hammond.

Mr Griffiths interjecting:

The CHAIR: If the member for Goyder has a question, he should stand up and ask it.

An honourable member interjecting:

The CHAIR: Order! The member for Goyder has a question. Let's hear it.

The Hon. J.R. RAU: Can I answer the question?

The CHAIR: No.

An honourable member: I think he should be able to finish his answer.

The CHAIR: Well, this might help us.

Mr GRIFFITHS: Does it prevent subdivisions from occurring? I understand from the principle that zoning is in place and existing rights are preserved. You have talked about chicken farms and that sort of stuff and you said, 'Yes, that's okay.' That is what I believe you said. What if it involves a subdivision of land to create an allotment for that activity to take place, though?

The Hon. J.R. RAU: I do not know if this has been captured on the record. I was asked about chicken farms; I was asked about feed lots. I could be asked about piggeries; I could be asked about any number of things. The answer to that question is: provided the zoning permits that now, nothing I am doing is going to change that at all. That does not mean I am actually enabling that to happen now if it could not happen now, just so that you are really clear on that. If the zoning now for rural land near Murray Bridge is that you can grow crops or you can grow vegetables or you can have a piggery—

The Hon. T.R. Kenyon: Or subdivision.

The Hon. J.R. RAU: Or subdivision, yes, but let's stick with the industrial bit first. If that is what it says now, nothing is going to change. They can still do all that stuff. The only thing that is restricted is the cutting up of rurally zoned land and turning it into residential subdivisions; that is all.

Ms Chapman: Or new allotments.

The CHAIR: Order! Member for Bragg.

The Hon. J.R. RAU: New allotments, with the permission of the planning commission.

Ms Chapman interjecting:

The CHAIR: Order! The member for Bragg is going to really push me hard. Before you go any further, does that answer your question, member for Goyder?

Mr GRIFFITHS: Well, no.

Ms Chapman interjecting:

The CHAIR: Order! I do not need your help.

Mr GRIFFITHS: The reason I asked the question is that, using the Gifford Hill example provided by the member for Hammond, with 10,000 new people going into the area, there have to be employment opportunities created as part of that residential opportunity that is going to be there also. It is important for me to be able to relay to the people who talk to me that the regulations or the laws that will be enacted as part of this debate will ensure that opportunity exists for job creation and for job opportunities to be developed on land that is not currently zoned for that purpose, for a more broadacre area.

The Hon. J.R. RAU: The answer to that is yes. We are not trying to restrict employment related development, provided that the zoning permits it. I will give you an example. If you have land adjacent to a township, it might be that the current policy says you cannot put an abattoir there, for instance—for good reason. We are not disturbing that, but it might also say that you can put a feed lot there, you can put a mill there, you can do any number of things. We are not disturbing that either.

In fact, we are not trying to discourage any form of employment related development; quite the contrary. The only impact here is in relation to what amounts to the chopping up of greenfield areas and converting what is presently land which is set aside for either industrial or, more particularly, agriculture or horticulture or whatever, into residential subdivisions. That is the only thing that is being touched by this.

The CHAIR: Okay. That is everyone's questions exhausted.

Mr GRIFFITHS: I am just seeking clarification. I pose this question on the basis that the area to the northern boundary includes part of the Goyder electorate, so I do have some vested interest in getting some clarification. As a person who has lived in the regions all my life, I am desperate for an environment to exist that allows regional communities to grow in physical number. Therefore, by association, I understand the impacts upon the size of development in most cases because of the traditional development styles that are used. However with this legislation that is to be put in place, unless it is currently zoned for residential purposes there is no scope for a regional community to grow that is within this environment—

The Hon. J.R. RAU: That is not quite right; unless the current township boundary, which it may or may not at the moment, corresponds with all of the available land to be rezoned. To give an example, Two Wells has a township boundary, and I do not know whether every single bit of land within that township boundary has yet been rezoned. It is earmarked to ultimately be rezoned, and the map reflects that there is room within that township boundary for land which is not yet rezoned to be rezoned.

The protected area, if you like, which wraps around the metropolitan city area, does not extend as far as Ardrossan or anything like that, so none of this that we are talking about here is extending a long way around the state. What it is intending to do is to offer some protection to those townships which are within sufficient proximity to the metropolitan area that they might be adversely impacted by planning decisions inside that metropolitan area. If you go to the Barossa, for instance, there are areas around the townships there which are able to rezoned; in fact, every time any of those are rezoned I hear about it because someone is complaining about grapevines being pulled out.

The point is that there is still quite a bit of area around existing townships which is earmarked for future growth, and that area may or may not yet be rezoned. So there is room for future growth

for all those townships that are in that buffer zone. Beyond that buffer zone—Ardrossan, for example—this has no impact whatsoever, and whether Ardrossan is going to move is a matter to be dealt with by that township in due course. We are talking here, in the North in particular, about places like Two Wells, Virginia, Mallala—

Mr Griffiths: Kapunda.

The Hon. J.R. RAU: Kapunda is in, I think; yes. That is what we are talking about, in that northern area.

Mr GRIFFITHS: Minister, you have talked about development as envisaged, but is there an outer window on that? I am a believer in decentralisation; as you said, I would love to see regional communities grow even more. Is there an opportunity within this for a review to take place in five or 10 years—

The Hon. J.R. RAU: Absolutely. There is a five-year review built into the legislation and that five-year review would be able to review all those things. So, yes; there is a requirement of a five-year review.

The CHAIR: Member for Hammond, if you have one burning supplementary to something I will allow it.

Mr PEDERICK: I just seek some clarity on a couple of things, Chair, and I thank you for your forbearance. I am interested in the Murray Bridge racecourse site for obvious reasons, but I want a definite answer as to whether Gifford Hill is protected under its development application status. Also, are rural living blocks involved in the minister's thoughts as far as anything that is zoned rural (and I mean those small two-hectare or five-acre blocks, or maybe four-hectare or 10-acre blocks)?

I would like to make the comment that 45 years ago, or around that time, as I have mentioned in this house before, the former member for Norward, the then premier the Hon. Don Dunstan, was going to build a new city at Monarto.

Ms Chapman: Monarto is dead.

The CHAIR: Order—

Mr PEDERICK: That was possibly a reasonable idea, although some say that perhaps the government should have looked at just expanding Murray Bridge. In the grand scheme of things it was probably a good idea, but a range of people would not move out there so that was the end of that, and it caused a lot of unrest and a lot of movement of farmers off their land. That was the early seventies, about 1972 that happened, with the take up, the compulsory acquisition, of that land. I am just wondering also whether local government and other interested parties can negotiate if their mood is that this food protection boundary should be moved.

The Hon. J.R. RAU: I am advised as follows: Gifford Hill has already been done, so that is not a problem. I am also advised that the rural living zones, as they are euphemistically described, are inside the township boundaries, so they also could be rezoned to become higher density—

Mr Pederick: The document says they can't.

The CHAIR: Order!

The Hon. J.R. RAU: I am putting on the *Hansard* what I am told here, and that is what I am told.

Clause passed.

Clause 57.

Mr GRIFFITHS: I should have asked this question on clause 56, but it leads on to the commitment the minister gave about amendments that have come in about local government involvement in the development of these policies. Can I accept that there is a similar position from the minister when it comes to clause 57—Design quality policy, 58—Integrated planning policy, and 59—Special legislative schemes? Is it intended for discussion to occur there also about those?

The Hon. J.R. RAU: Yes, the amendment package will basically insert local government into the charter and by reason of being involved in that their concerns about input will be picked up.

Clause passed.

Clause 58.

Ms CHAPMAN: Integrated planning policy is one that the minister must do, as is the design matter, which my colleague has just asked you about in 57. These two do not have the qualifying feature of not being taken into account for the purposes of development authorisation under the act. I take it that they will be binding on the authorising party, which may be a panel, the commissioner or whomever. I seek clarification on that once these two mandatory policies are in place.

The Hon. J.R. RAU: They are caught because they are forms of state planning policy.

Ms CHAPMAN: Why do we have a separate provision that says you have to do these two, but you have the option to do others?

The Hon. J.R. RAU: The view about these two is that they were regarded as being essential, whereas the others are optional. In relation to these two things, let us talk about what 58 is. People have probably seen ITLUP (Integrated Transport and Land Use Plan). What is contemplated is that ITLUP (or an iteration of that type of document, which lays out a future set of objectives and whatever for transport and infrastructure development), would form such a document, and then that document would be one of the high-level policy documents that would sit above the planning system. The point you are asking is: why are these two left out of the impact of 56. The answer is that they are not left out; for the purposes of clause 56 they are state planning policy.

Ms CHAPMAN: So we have two high-level policy documents that you have to prepare and, as you say, in one form or other to some degree we have both of those already (and they may well be after consultation further developed, and so on in relation to its new format). I look forward to that, because the ITLUP at present is really a $35 billion wish list, with no obligation, other than some indications of some of the infrastructure to do between five and 15 years. That does not give me a lot of comfort. If they are in the category then of not being binding on the development authorisation process for individual applications, are they just binding on your cabinet, your government, your department or the commission? Who is going to take notice of these two high-level documents and any other optional ones you might produce and put into a glossy booklet?

The Hon. J.R. RAU: This is the same question we had before, really. What we are saying is that when the lower-level policy documents are being prepared they must be prepared having regard to and being consistent with the high-level policy documents. For example, if the high-level policy document says we are to—

Ms Chapman: Have urban infill.

The Hon. J.R. RAU: —have urban infill, yes—then, when you start looking at the lower-level policies, the formulation of those policies is to be informed by that higher policy.

Ms Chapman: They are binding at most.

The Hon. J.R. RAU: Binding in the sense that they must have regard to them. They are a guiding principle. I would take that as meaning they cannot ignore them, but it would also mean that there may be particular circumstances in which, for very good reason, a particular allotment or precinct does not have to have exactly the same treatment as the allotment or precinct next to it. That is the point.

In Bragg, for example, there is a difference between the Fullarton Road frontage and the Greenhill Road frontage and areas a few kilometres to the east of that which are exclusively residential and are inside of major boundaries set up by main roads. Just because the principle says we should have regard to infill, and just because that is within five kilometres of the CBD, it does not mean that the planning policy for that area must require infill.

Ms CHAPMAN: But who determines any inconsistencies that are alleged to occur between your high-level design or infrastructure policy documents and the lower-level policy documents when

they are being prepared? It is one thing to say, 'Look, these are to be a guideline. These are to be a principle; we've got those in statute.'

Once these are consulted on and you have dressed them up, you have expanded them and you have published them, they are going to be binding for the purposes of taking into account the development of the lower-level policies. I understand that to this extent. There is going be disputes about that. Who makes the decision about any inconsistency to determine whether the lower-level policy, as you are describing it, is to be ignored?

The Hon. J.R. RAU: We have not come to this part of the legislation yet, and this conversation might better occur then. But, just to explain, these policies go through a process of formulation. I think, if I remember correctly, the minister has some role, the ERD Committee of the parliament has a role and, I would expect—

An honourable member interjecting:

The Hon. J.R. RAU: —and the commission, yes, indeed. So, we have the commission, the minister and the ERD Committee of the parliament.

What my expectation would be is that one or all of those three levels of oversight would look at the legislation and have regard to sections 56, 57 and 58 and, when they are examining the policies that are being put forward to them, they would ask themselves the question: do these policies—and I am talking lower-level zoning, in the current language—do these zoning requirements meet the statutory considerations required of them by sections 56, 57 and 58?

It is basically three levels of vetting—and the charter. So, that is the way the process goes. What it does not end up being is that I as a particular landholder can challenge something that is going on next door because I do not think that meets with this high-level principle.

Ms CHAPMAN: Minister, apart from ERD—

The CHAIR: Is this your supplementary to your supplementary and your last supplementary?

Ms CHAPMAN: Yes, my supplementary; I am still trying to get there. 'I as a landholder,' he is not 'I as the landholder': he is the minister.

The CHAIR: He is using an example, I am sure.

Ms CHAPMAN: Well, he may be, but apart from the ERD Committee which can put recommendations to the parliament about inconsistency—and we have read all those about Mount Barker et al, and we are now looking at other parties—the minister is ultimately the arbiter of whether those policies are inconsistent and in which case he will therefore not approve for the purposes of being published and enforced. Isn't that the situation?

The Hon. J.R. RAU: All I can say is that the member might usefully have a look at 66 through to 70 and that would explain what I have been trying to explain.

Mr GRIFFITHS: I refer to clauses 56, 57 and 58 because I consider the issues to be rather important, and I know the minister does also. What is the time frame in place for some level of draft to be available for review? I know we have implementation issues with all of this, but is this one of the initial focus areas?

The Hon. J.R. RAU: This is an implementation matter, but the best guesstimate I can give is that we are talking probably a couple of years. We have to get the commission established and it has to be functional, so there are a lot of steps to occur.

Clause passed.

Clause 59.

Mr GRIFFITHS: Minister, in your previous response to the member for Bragg, you referred to the three levels of oversight that are involved and to the Environment, Resources and Development Committee, so I am particularly interested in why clause 59(4)(c) reads 'does not need

to be referred to the ERD Committee' in relation to special legislative schemes. Can you please outline that?

The Hon. J.R. RAU: This is a reference back to clause 11, which in turn deals with existing schemes. What we are saying is that subclause (4) makes it clear that those existing schemes do not now have to go back into a process that involves the ERD Committee: they are left alone.

Clause passed.

Clause 60.

Mr GRIFFITHS: In a previous response about the environment and food production areas, the minister referred to a review, I believe, every five or 10 years. I am not sure what the time frame is, and he might just want to clarify that, but regarding regional plans, what is the time frame in place for review of the regional plans that have to be prepared?

The Hon. J.R. RAU: As I read it, there is no specific automated review. It would occur on a needs basis. If you think about this and if you look under subclause (3), the regional plan is intended to encompass a 15 to 30-year vision. Logically, that would not be something that would be required to be revisited frequently.

In some parts of the state, you might have regional growth rates that are so small that what was envisaged as a 15 to 30-year vision is a 50-year vision; conversely, you might have an area where some activity is generated and the 30 or 15-year vision is inadequate. In those circumstances, I would expect that community to say, 'Look, the vision is getting a bit cramping,' and we would look at it. That is the way that is set out.

Mr GRIFFITHS: Can I just seek clarification? Some are indeed experiencing a very slow rate, but an opportunity may present itself within a township where changing a zoning level that is in place to allow another use might create an opportunity for some development to occur. Does the opportunity still exist in between the not regulated periods for some—

The Hon. J.R. RAU: Yes. If you go to clause 69, you will see that a local planning board, the minister or the commission can initiate one of those processes.

Mr PEDERICK: In relation to regional plans, I ask what sort of consultation will take place in putting those regional plans in place? In regard to what is, according to the Department of Planning, an indicative boundary of the proposed environment and food protection area, I ask whether that boundary can be discussed and negotiated with local government and potentially be moved?

The Hon. J.R. RAU: In answer to the first question, if you look at clause 60 in relation to regional plans, you will see that it states in subclause (2) that the plans are to be considered by the joint planning board which in and of itself contains the relevant local government entities. So, yes, they are in.

The second bit of your question, if I am not mistaken, was harkening back to an earlier conversation. If the member for Hammond has something in particular he wants to put to me on behalf of some of his constituents, I am happy to listen to him in due course. We are basically talking about lines on a map, so this is not a particularly conducive forum for sitting down and having that conversation. I would be happy to sit around the table with him and have a chat.

Mr PEDERICK: I disagree, sir. This map has obviously been put together, and I would suggest that PIRSA has probably had some involvement. I know that when I was on the committee dealing with sustainable farming, they were talking about food production areas, but they had only mapped areas very close to the city. Certainly, I think that that mapping process is quite a good process if it is reflected across the state so that people can see the priority areas right across the state. I do disagree. I think that this is very significant because the outcomes, I believe, will be significant to local governments that become ensconced under the umbrella of this legislation. I am a keen supporter of the free market, and I think that the free market should decide whether or not development happens.

When I look at Murray Bridge, for example, I see that it is the fastest growing city in this state and, no matter what you say here today, essentially you will be confining it within its boundaries. I take solace in the fact that the racecourse project, Gifford Hill, is fine, from what I am being told today.

Also, as part of my question, in light of this, because I think that we do need to discuss boundaries here, does this mean that the activities within these boundaries match the limitations of the character preservation areas around McLaren Vale and the Barossa?

The Hon. J.R. RAU: Let's make sure that we are not at cross-purposes. What this scheme is contemplating is basically an area which I will call metro Adelaide, for want of a better term. Then metro Adelaide ends (this is not the language of the bill but I am trying to put it in lay terms) there is a buffer around metro Adelaide. That buffer extends from the coast all the way around the city to the coast. Most of that buffer is already protected from residential development which is unregulated. There is a small bit to the immediate north of the current City of Adelaide which is a gap in that. That map seeks to fix that.

It does not take away from any township, anything the township has got, either in terms of existing rezoned land or land which has already been earmarked for rezoning for that town but has not yet been rezoned. It does not take that away. If in the fullness of time a town has an accelerated growth to the point where it needs to consume some of the farmland adjacent to its existing footprint, every five years this thing is reviewed by the Planning Commission. Every five years that can be considered, every five years, or as requested at any other time, I guess, by the minister or the commission, so there is no issue about that.

I do want to challenge one thing—the suggestion that being a free marketeer means that there should be no planning rules and that anybody can do anything anywhere they like. I challenge that because, if you want to have sensible use of land, sensible transport and sensible agriculture, you cannot just let people do what suits them. You have to actually have planning and you have to have zoning, and that goes to the size of townships and the boundary of townships every bit as much as it goes to where we put light poles, where we put roads and where we put drains. There has to be orderly planning—there has to be.

Mr PEDERICK: I did not say there should not be orderly planning, minister.

The Hon. J.R. RAU: You said the free market.

Mr PEDERICK: Yes, I did, absolutely. What this map says to me is that someone who lives in the Karoonda East Murray council will have an easier time, if there is a major development to go in there of any kind, than someone in the future living in the Rural City of Murray Bridge council, and that is just a fact. No matter what happens, people hate extra bureaucracy. It is extra red tape to deal with.

I have some real concerns because obviously this message has not been relayed down to the local councils, and it may have been relayed to the Local Government Association. From what I understand (and I have had correspondence with you, minister, so you will be well aware of this), for people who are in close proximity to towns in my electorate, whether they be in the Alexandrina Council area or in the Rural City of Murray Bridge, who have put up proposals, and obviously they do not have the right zoning—and I appreciate you have to have planning—someone who might have 10 or 15 hectares or more, such as a small farm or even an allotment of up to 40 hectares, this proposal would rule out any chance of them having any sort of residential development on that property.

The Hon. J.R. RAU: The existing rules already rule that out. I have said this before and I will say it again; that is, the planning system, the Minister for Planning and the planning commission, there are two things they cannot be and must not be: No. 1 is an insurer of last resort for land speculators; No. 2 is the uncle with the chequebook who can be relied upon to turn up and solve my personal problems, however significant and however tragic they might be, because I personally have a difficult circumstance. I am not meaning to in any way denigrate some of the hardship that some people might experience presently all around the place for a range of reasons.

Some people, like the people the member for Hammond is talking about, may see that the pot of gold at the end of the rainbow could be delivered by the minister just signing a little form to

rezone their paddock into housing. That is not the minister's job and it is not the planning commissioner's job. The planning commissioner's job is orderly development and it is development according to principles. It is not development according to what individuals say is their personal need because, I can assure you, member for Hammond, every single individual has their own need and they will all tell you, 'I am more needy than the next one'—every single one of them.

I will not name names, because that is not appropriate, but I have had visits from people who have land in McLaren Vale where they want to do a development they know damn well they should not be doing. They bought the land in order to be able to do that development which they knew the zoning did not permit, and they are very unhappy that the rules do not allow them to do something they knew they were not allowed to do ever, and they decided to buy the land anyway. That is their problem.

The CHAIR: Because I am being really generous, there is another supplementary to your last supplementary.

Mr PEDERICK: Thank you, Madam Chair. Your forbearance is appreciated. You may have explained this earlier but, for our benefit, I assume that any noncomplying benefit will not have an opportunity under this law. You can point me to the process if that can happen. It may not be the uncle with the chequebook or someone trying to cut up a small farm. Also, I just want some more clarity around whether this new food protection boundary matches the legislative requirements of the character preservation zones.

The Hon. J.R. RAU: Basically, it does. If you want to take the practical effect of it, it is—at least from the perspective of the metropolitan part of Adelaide—to basically finish off a line between Gawler and the coast. The rest of it is already aligned by the Barossa Protection Zone, Hills Face Zone or the McLaren Vale Protection Zone. It just brings it into one continuous line.

Then it says 'in respect of the townships'. The townships in the McLaren Vale area are already managed in the way that we are talking about here—McLaren Vale itself and whatever. If you go into the Barossa Protection Zone, Nuriootpa, Tanunda, etc., are all managed in exactly the same way now. All we are doing is filling in the bit between those two bits, basically.

Mr PEDERICK: And the process of noncomplying applications?

The Hon. J.R. RAU: Well, 'noncomplying' is a concept which relates to the existing legislation and which will disappear under the new one. The easiest way I can explain it is this: if you are within the township boundary of any town which is in that area, you can continue to do whatever you could have done before in terms of development and you can continue to seek rezoning within that perimeter as you always could—no problem. If you are outside the township boundary, then you can do anything you can do now except seek to subdivide that land for residential purposes according to whatever the zoning is.

To put it another way, the zoning outside of that township boundary can enable anything you like, anything the community wants, except subdivision for residential purposes, and if it wants to do that there is a process which involves going to the commission as a first step to establish that it is necessary in terms of there being a requirement, a demand, for that product, namely, residential allotments in proximity to that township.

Mr GRIFFITHS: When we talk about noncomplying, minister, I am aware of a situation with respect to a 900-acre broadacre farming property and a request for it to be considered as a noncomplying development application to enable a farmhouse to be built on it because there is no other house on that farm, and it is noncomplying. So, that is bizarre to me. Indeed, I am aware that, apparently, the rules changed in 2012 for that to occur.

The Hon. J.R. RAU: Whereabouts?

Mr GRIFFITHS: The Yorke Peninsula council area.

The Hon. J.R. RAU: I am not sure.

Mr GRIFFITHS: It is just intriguing to me. I have written to the minister about that seeking some support. Can I just have some clarification in relation to clause 60. I take it that the regional

plans are developed on the basis of what the current development plans stipulate for areas. They are used. However, it is the responsibility of the minister to ensure that they are prepared. Is that something that will be delegated to the planning commission to physically undertake?

The Hon. J.R. RAU: That is what is intended, yes.

Mr GRIFFITHS: If I can just have some clarification, minister, on subclause (3)(e), which talks about 'a framework for the public realm'. I must be sadly lacking in my education because I am not sure what that means. Can you just clarify that for me?

The Hon. J.R. RAU: The 'public realm' is generally meant to mean areas which are, if you like, communal, shared areas. In a township, it might be the central square of the town, or it might be the gardens in the town, or it might be the streetscape, footpaths, those sorts of thing.

Mr GRIFFITHS: I have one more question. With respect to subclause (6), I am confused about the words here:

A regional plan is not to be taken into account for the purposes of any assessment or decision with respect to an application for a development authorisation under this Act.

I am not sure why it says 'not'.

The Hon. J.R. RAU: This is the same point we were talking about before in clauses 56, 57 and 58. It is a repetition of the same point.

Clause passed.

Clause 61.

Mr GRIFFITHS: Do any examples of planning design codes exist in other states?

The Hon. J.R. RAU: There are variations on that theme around the place. For example, in New South Wales it is a thing called SEPP 65, and Victoria has a version of this as well so, yes, they are not unknown things. The notion of the planning and design code is not intended to be a highly prescriptive thing. What it is meant to speak to is fundamental principles of design. Some of these statements are almost motherhood statements, but it would be something like: 'A development should have regard to the adjoining properties or the environment in which it is built.' Things like that which you would think are common sense, but if you look around the place perhaps they are not.

Clause passed.

Clause 62.

The CHAIR: Minister, you have amendment No. 17 in your name which you would like to move to clause 62, is that correct?

The Hon. J.R. RAU: No, I do not want to.

The CHAIR: You do not want to move amendment No. 17?

The Hon. J.R. RAU: No, I have been talked out of it.

The CHAIR: You are rescinding it. Is that allowed?

The Hon. J.R. RAU: I have been talked out of it by extensive consultation.

The CHAIR: Are we going to be happy with clause 62, member for Goyder?

Mr GRIFFITHS: Minister, you have been very generous in ensuring that there will be consultation with local government on recent clauses, so can I assume then that for the planning and design code there will be a similar level of discussion?

The Hon. J.R. RAU: Yes, local government will, of course, be involved in this.

The CHAIR: Member for Goyder, any further questions?

Mr GRIFFITHS: I do not believe so. I was wrong when I just said, 'I do not believe so'. I do have one question. With the indulgence of the minister, if I can just ask a question.

The CHAIR: Is it not me you have to satisfy?

Mr GRIFFITHS: Sorry, Chair. Minister, I do have a question on clause 62, so I apologise for that. I was unsure of the term under subclause (4)(a), 'the variation of a technical or numeric requirement'. Is that just to tidy things up if changes have occurred and there is a need to renumber things? It is on page 53, subclause (4)(a).

The Hon. J.R. RAU: It gives councils an ability to micro finetune things at a local level. It is not intended to move major policy settings; it is very minor.

Clause passed.

Clause 63.

Mr GRIFFITHS: I am grateful for the commitments that the minister has given to the Leader of the Opposition when he adapted reuse issues when we are talking about heritage and that sort of thing to be undertaken, but my question relates to subclause (3). I understand there is a community engagement charter to ensure that consultation will take place—I appreciate that—but where it is suggested that a property be listed, will there still be a process available for an owner to object or to appeal against that?

The Hon. J.R. RAU: Yes, it is; it appears in the appeals provisions later in the bill.

Mr PEDERICK: In regard to local heritage, heritage can be in the eye of the beholder, especially with local heritage sometimes. If there is a decision to develop something or an attempt to develop something that is local heritage listed, is there a process to do that?

The Hon. J.R. RAU: Except for the appeal provision that I just spoke about to the member for Goyder, we are not disturbing any of the existing rules about local heritage because that is going to be a separate piece of work. This does not disturb the existing arrangements. The existing arrangements in the broad are that when local heritage listing is contemplated, people who might be affected are given notice. They are given an opportunity to be heard in respect of that.

Up until this bill they have not had a right of appeal but they have had the right to be heard. Ultimately, heritage is determined by the minister on the recommendation of either the heritage advisory council and/or the local government authority concerned. I can assure the member for Hammond, the whole question of local heritage is going to be the subject of another piece of work. The only disturbance in that whole area at the moment is the provision of an appeal for a person who is unhappy with the outcome of a local heritage listing.

Ms REDMOND: Just on that issue of heritage, minister, when you say people who are affected or interested have currently the right to be heard, I had occasion in the last few months to deal with a matter where a building which was not subject to any heritage listing, local or state, and indeed had been considered at length as to whether it should be listed and was not, was nevertheless required to jump over all sorts of hurdles in order to be redeveloped on the basis of its heritage status.

I just wonder whether there will be any more appropriate approach on the question of heritage, whether in this bill or in your anticipated legislation, for adaptable re-use of heritage buildings, because there have been numerous occasions around both this city and in our regional areas of buildings which have some sort of heritage status which cannot be redeveloped logically because you have requirements to put in disability access but the disability access cannot go at the side because that would be unfortunate for the people with a disability who might need to use it, but they cannot go at the front because of the heritage status.

Are those issues going to be addressed, because unless and until they are, and we come to some reasonable position with how we can adapt for reasonable re-use heritage-listed buildings, my sincere fear is that we will find in this state that we have heritage buildings falling into utter disrepair because we cannot compel people to maintain them.

The Hon. J.R. RAU: In short I totally agree with the member for Heysen's comments. That is why we are doing a piece of work on heritage as a stand-alone issue. I mentioned earlier that we are doing what we can at a national level through COAG fora to deal with the disability access issue and get some movement around that, and we are looking at other things that we can do in respect of national building rules.

The problem is a very real one, but it is such a big issue and so potentially contentious that it was considered better to do that as a stand-alone proposition rather than conflate all of those conversations with this, which is why we have not made any basic disturbance of the current rules, but I make it very clear that we intend to look into them and to put proposals to the parliament next year to make changes.

Clause passed.

Progress reported; committee to sit again.

Sitting suspended from 12:59 to 14:00.

LOCAL GOVERNMENT (ACCOUNTABILITY AND GOVERNANCE) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

LIQUOR LICENSING (PROHIBITION OF CERTAIN LIQUOR) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (TERRORISM) BILL

Assent

His Excellency the Governor assented to the bill.

JUDICIAL CONDUCT COMMISSIONER BILL

Assent

His Excellency the Governor assented to the bill.

LONG SERVICE LEAVE (CALCULATION OF AVERAGE WEEKLY EARNINGS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (INDUSTRIAL RELATIONS CONSULTATIVE COUNCIL) BILL

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

ANSWERS TABLED

The SPEAKER: I direct that the written answers to questions be distributed and printed in *Hansard*.

PAPERS

The following papers were laid on the table:

By the Speaker—

Auditor-General—Erratum Annual Report 2014-15 [Ordered to be published]
Local Government Annual Reports—
Berri Barmera Council Annual Report 2014-15
Campbelltown, City of Annual Report 2014-15
Port Augusta City Council Annual Report 2014-15
Robe, District Council of Annual Report 2014-15
West Torrens, City of Annual Report 2014-15
Wudinna District Council Annual Report 2014-15

By the Attorney-General (Hon. J.R. Rau)—

Criminal Law (Sentencing) (Guilty Pleas) Amendment Act 2012 and Criminal Law (Sentencing) (Supergrass) Amendment Act 2012, Review of the—
Report October 2015
Freedom of Information Act 1991—Annual Report 2014-15
Independent Commissioner Against Corruption and the Office of Public Integrity, Operations of the—Erratum Annual Report 2014-15
Privacy Committee of South Australia—Annual Report 2014-15
Section 52C of the Controlled Substances (Drug Detection Powers) Act 2008—Annual Report 2014-15
Regulations made under the following Acts—
Criminal Law (High Risk Offenders)—General
Security and Investigation Industry—Miscellaneous
Rules made under the following Acts—
Supreme Court—
Civil—
Amendment No. 30
Supplementary—Amendment No. 4
Fast Track Adoption—Amendment No. 2
Fast Track Supplementary Adoption—Amendment No. 2
Special Applications Supplementary—Amendment No. 2

By the Minister for Planning (Hon. J.R. Rau)—

Development Act 1993, Administration of the—Annual Report 2014-15

By the Minister for Industrial Relations (Hon. J.R. Rau)—

Mining and Quarrying Occupational Health and Safety Committee—Annual Report 2014-15
SafeWork SA Advisory Council—Annual Report 2014-15

By the Minister for Health (Hon. J.J. Snelling)—

Ministerial Statement—Clarification of Minister Hamilton-Smith's original response in reference to Auditor General's Report, Essential Media,

By the Minister for Finance (Hon. A. Koutsantonis)—

Regulations made under the following Acts—
Superannuation Funds Management Corporation of South Australia—
Prescribed public authorities

By the Minister for Disabilities (Hon. A. Piccolo)—

Club One (SA) Ltd Financial Report—Report 2014-15
Consumer and Business Services—Annual Report 2014-15
Regulations made under the following Acts—
Building Work Contractors—Miscellaneous
Conveyancers—Miscellaneous
Land Agents—Miscellaneous
Plumbers, Gas Fitters and Electricians—Miscellaneous
TAFE SA—Retrenchment

By the Minister for Agriculture, Food and Fisheries (Hon. L.W.K. Bignell)—

Regulations made under the following Acts—
Fisheries Management—Individual rock lobster catch quota system
Plant Health—Fees

By the Minister for Tourism (Hon. L.W.K. Bignell)—

Adelaide Convention Centre—Annual Report 2014-15
South Australian Motor Sport—Annual Report 2014-15
South Australian Tourism Commission—Annual Report 2014-15
Regulations made under the following Acts—
Major Events—Credit Union Christmas Pageant

By the Minister for Local Government (Hon. G.G. Brock)—

Regulations made under the following Acts—
Local Government—Local Government Sector Employers
Local Council By-Laws—
District Council of Elliston—
No. 1—Permits and Penalties
No. 2—Local Government Land
No. 3—Roads
No. 4—Moveable Signs
No. 5—Dogs
No. 6—Caravans and Camping
No. 7—Foreshore

By the Minister for Education and Child Development (Hon. S.E. Close)—

Botanic Gardens and State Herbarium, Board of—Annual Report 2014-15
Environment, Water and Natural Resources, Department of—Annual Report 2014-15
Maralinga Lands Unnamed Conservation Park Co-Management Board—
Annual Report 2014-15
Premiers Climate Change Council—Annual Report 2014-15
South Australian Water Corporation—Annual Report 2014-15
Stormwater Management Authority—Annual Report 2014-15
Wilderness Protection Act 1992—Annual Report 2014-15
Regulations made under the following Acts—
Marine Parks—Statutory Authorisation Compensation
Natural Resources Management—Miscellaneous

By the Minister for Transport and Infrastructure (Hon. S.C. Mullighan)—

Surveyors Board of South Australia—Annual Report 2014-15

VISITORS

The SPEAKER: I welcome to parliament today Compass Business College students, who are guests of the member for Little Para.

Ministerial Statement

PARIS TERRORIST ATTACKS

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:16): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: On behalf, I am sure, of all members of this house, I wish to acknowledge the lives lost and forever changed in last week's appalling terrorist attack in Paris. More than 120 lives were ended and hundreds more people were injured, and for no other reason than to make some ghastly statement to the world. As is often the case with such events (and Australians have been exposed to them in places like Bali and London), there is little value in searching for conventional logic and meaning.

There is an emotional response to hearing news like this and it is natural to be overcome by anger, sickened by the violence and to want revenge, but we as a community must control our response to these senseless acts and we must respond in the right way. We know the response those perpetrating the atrocities are hoping to elicit. They want conflict. They want the people of France and Australia to see all Muslims as the same, when that is so clearly not the case. Our community should make it clear that we are an open and inclusive society with safety and opportunity for all.

As a community, we can also provide moral support to the people of Paris. For my part, as Premier I sent a message of condolence to France's Ambassador to Australia (who just happened to be in Adelaide at the time) and to the French Honorary Consul in South Australia. I also intend to visit Paris in the coming weeks for the global climate change summit, which I very much hope will continue uninterrupted. The people of our state can demonstrate their sympathy and resolve by refusing to be cowed and by standing in solidarity with the fallen, by responding to an act of hatred with a message of love.

A vigil for Paris will be held at the Soldiers Memorial Gardens opposite the council chambers on Unley Road at 6pm, and I will be there. I want to be there to express my sadness and I want to witness a choir of South Australians of French descent defiantly singing the magnificent national anthem of France. I hope that South Australians from all walks of life will come along this evening. I hope that parents will make a point of bringing along their children. I join members of parliament and citizens from across this state in extending my sympathy to those who are suffering and my appreciation for those who are offering comfort to the victims and their families.

GREENWOOD, DR J.

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:21): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.J. SNELLING: I rise today to congratulate Associate Professor John Greenwood on being named South Australia's Australian of the Year. An exceptional plastic surgeon, Associate Professor Greenwood works full time in burns care as the Medical Director of the Adult Burns Service of the Royal Adelaide Hospital. During his 14 years at the Royal Adelaide Hospital, it is estimated that Associate Professor Greenwood and his team have treated more than 20,000 burns patients.

Currently, an average of 450 adult burn patients are treated at the centre each year from across South Australia, the Northern Territory, western New South Wales and western Victoria—an area covering some 2.4 million square kilometres. The centre is currently the only burns centre outside of the United States to have been verified by the American Burn Association and the American College of Surgeons.

Associate Professor Greenwood also runs statewide education services and the only mobile response team for burn injuries in disasters in Australia. He was appointed Member of the Order of Australia following his work leading Australia's only burns assessment team after the carnage of the 2002 Bali bombings which killed 202 people. Under his leadership, the burns assessment team helped save the lives of 67 people.

Following this tragedy, in 2003 Associate Professor Greenwood was instrumental in assisting the 2010 South Australian of the Year, Julian Burton (himself a Bali bombing survivor), to establish the Julian Burton Burns Trust to further education about burn injuries.

Since 2003, Associate Professor Greenwood has been developing a suite of innovative burn care and skin substitute products to replace the skin graft. This process has the potential to remove the need for painful skin grafts involving the harvesting of undamaged skin from other parts of a burn patient's body.

As the citation for the award notes, Associate Professor Greenwood's selfless service to burn patients is improving survival rates and making life better for people around the world. Associate

Professor John Greenwood is a credit to his profession and the state of South Australia, and I wish him well in the judging of the Australian of the Year Award on Australia Day 2016.

BUSHFIRE PREPAREDNESS

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:24): I seek leave to make a ministerial statement.

Leave granted.

The Hon. A. PICCOLO: As of today, the entire state has officially entered the fire danger season. Yesterday, the emergency services chief officers, the acting assistant commissioner of police and I went to Newland Reserve at Erindale and spoke to the media about the official start of the fire danger season and SAPOL's Operation Nomad. It allowed us to speak to the community about bushfire risk and the restrictions in place during the bushfire season. It was also another opportunity to remind the public and reinforce a culture of shared responsibility amongst all South Australians. The community needs to ensure they clear their properties of fuel and establish and/or rehearse their bushfire survival plans. This is especially important as the weather heats up this week. I am advised that tomorrow we are expecting total fire bans in a number of districts.

The CFS has 17 aircraft contracted for the 2015-16 fire danger season. There are currently four water bombers located at Woodside, two at Port Lincoln and two at Mount Gambier, along with two air attack helicopters also based at Woodside and an observation aircraft. These aircraft can be reconfigured or moved around very quickly as the fire danger risk profile changes. Further, aircraft start dates will be staggered to ensure maximum fleet availability during the height of the fire season in January and February.

The CFS also has access to the State Rescue Helicopter Service for total fire ban days in the Mount Lofty Ranges and additional aircraft can be sourced through our national resource sharing arrangements. However, while aircraft are a valuable firefighting resource, they do not replace the need for firefighters on the ground. Aircraft cannot work at night or in low visibility conditions during the day. The CFS is working closely with the MFS, SES, SAFECOM, DEWNR, ForestrySA and SA Water, as well as local government and many other agencies and interstate partners to ensure we are well prepared, but the public need to do their part also. The best response is prevention.

One of the agencies the CFS works with closely is SAPOL. SAPOL's Operation Nomad has been conducted annually since 1992 in support of the emergency services and other partner agencies. Approximately half of all the apprehensions made by police during the last Operation Nomad related to people being foolhardy rather than intending to commit arson. I urge all the community to carefully consider their actions as poor decision-making can have tragic outcomes for the wider community.

During the last fire danger season there were 648 Nomad fire incidents, which led to 35 people being apprehended, including 12 arrests. As part of the operation this year, 237 people will be monitored. Of those, 30 are considered high risk. Police regularly visit those deemed to be a high risk, including on extreme or catastrophic fire days. As part of Operation Nomad, SAPOL is encouraging people to be on the lookout for suspicious, reckless or negligent behaviour that may cause a bushfire and to report anything to police or Crime Stoppers. I would again like to take this opportunity to thank our dedicated police and all emergency services staff and volunteers, and I wish them well for the potentially dangerous period that lies ahead.

Mr GARDNER: Point of order: the convention of the house is that ministers show courtesy to members by providing copies of ministerial statements. Can I invite him to familiarise himself with the photocopiers?

The SPEAKER: The Minister for Emergency Services apologises. He merely forgot the pile of copies next to him on the bench.

Parliamentary Committees

NATURAL RESOURCES COMMITTEE

The Hon. S.W. KEY (Ashford) (14:30): I bring up the 106th report of the committee, entitled Inquiry into Unconventional Gas (Fracking) Interim Report.

Report received and ordered to be published.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION

The Hon. S.W. KEY (Ashford) (14:31): I bring up the 21st report of the committee, entitled Annual Report 2014-15.

Report received and ordered to be published.

PUBLIC WORKS COMMITTEE

Ms DIGANCE (Elder) (14:32): I bring up the 534th report of the committee, entitled Hallett Cove Wastewater Network Upgrade Project.

Report received and ordered to be published.

Ms DIGANCE: I bring up the 535th report of the committee, entitled CBD Disability Respite Facility.

Report received and ordered to be published.

Ms DIGANCE: I bring up the 536th report of the committee, entitled North-South Corridor Northern Connector project.

Report received and ordered to be published.

Question Time

JOB CREATION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:33): My question is to the Premier. Given that South Australia lost 5,300 full-time jobs last month, will the government now work with the opposition on an emergency jobs stimulus program?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:33): Well, we would like to if there was a single innovative new idea that emerged. I saw the document—

Members interjecting:

The Hon. J.W. WEATHERILL: I looked carefully at the document that was produced the other day, but it slipped out of my hands and then wafted to the ground. It took about 30 seconds to hit the deck. You cannot produce a policy document that doesn't have thwack! You need a bit of thwack in the policy document, not one that just—

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is called to order.

The Hon. J.W. WEATHERILL: Let's be completely honest about what happened. We heard all the criticism about the lack of substance and the emptiness of those opposite, so there was obviously a bit of a flat panic that went on over there. So, what they did was they got all of the previous media releases and then one of their federal colleagues told them that jobs were coming up in the focus group, so they put a cover on it which said, 'Jobs, jobs, jobs', put a staple on it and then published it.

Ms Vlahos interjecting:

The SPEAKER: The member for Taylor is warned.

The Hon. J.W. WEATHERILL: We would love to work with you. We are working very well with your federal colleagues. I just had a very productive meeting.

Dr McFetridge interjecting:

The SPEAKER: The member for Morphett is called to order. Query whether that kind of language is unparliamentary. It certainly would be in India.

The Hon. J.W. WEATHERILL: I did have a very productive meeting earlier this afternoon with the Minister for Defence, Senator Marise Payne.

Dr McFetridge interjecting:

The SPEAKER: The member for Morphett is warned.

The Hon. J.W. WEATHERILL: We had a very productive meeting about the very topic of jobs and the most important jobs decision that could be made for South Australia which is the Future Submarine project. I also had a very productive meeting with somebody I know is dear to the heart of many of those opposite, the Hon. Christopher Pyne, yesterday about the very topic of jobs.

Of course, I also had a very productive meeting with another gentleman, the Hon. Malcolm Turnbull, the Prime Minister of this country, where we discussed the question of jobs, and we put on the table a series of projects, one of which was actually mentioned in the plan that was promulgated by the Leader of the Opposition. It concerns the northern areas irrigation plan, although curiously it had a $6 million price tag on it—ours had a $170 million price tag on it—but maybe we are talking about a small scaled-up pilot version of the project that we are talking about.

The Hon. J.J. Snelling interjecting:

The Hon. J.W. WEATHERILL: Maybe some sprinklers instead of an irrigation project. Nevertheless, we remain willing to work with those opposite. I hope that they will join with us in advancing a very powerful united state front on the question of future submarines—the single most important jobs project for our state.

The SPEAKER: Before the supplementary is asked, the members for Chaffey, Mitchell and Mount Gambier and the Minister for Health are called to order, and the deputy leader and the member for Taylor are warned for the second and the last time.

JOB CREATION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:37): My supplementary is to the Premier. Does the Premier agree that South Australia's economy needs an urgent stimulus to restore economic confidence and to create urgently needed jobs?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:38): I address that question by telling the house about some recent good news on the jobs front. Yesterday I joined with the federal Minister for Industry, the Hon. Christopher Pyne, in opening HP Enterprises' new Adelaide offices, expanding their workforce by 430 jobs. In the last few weeks we have heard some other positive job news. I know those opposite are not too keen on hearing these things but I think it is important to put the context to this important jobs question.

According to developers, up to 2,000 new jobs will be created as a result of the new housing tourism venture in Wallaroo. Up to 1,000 new jobs will be created as a result of the next phase of the Bowden housing development. Around 230 new jobs will be created when Qatar Airways begins its daily flights into Adelaide next year. About 100 new jobs will be created from the local production of the *Wolf Creek* TV series. About 50 new jobs will be created in the $11 million expansion of the Lenswood apple facility in the Adelaide Hills, and up to 75 advanced manufacturing jobs at water management technology company Micromet. Plus we have seen those iconic symbols of South Australia which have been stalled for many years—decades, indeed—which will now get a start under this government, the Le Cornu site and also the Festival Centre Plaza—great previous symbols of inactivity which we have unlocked here in South Australia.

Can I say that we do accept that the economic circumstances that we face here in South Australia require us to accelerate the plans that we already have. We have a cogent economic plan for the future of South Australia. We have 10 economic priorities. You can look it up on the website, it's there. What we need to do is to accelerate that plan, to take steps to accelerate the steps that we

have already taken and ensure that we grow those growing sectors of the economy more quickly than those declining sectors of the South Australian economy.

Mr MARSHALL: Supplementary, sir.

The SPEAKER: I call to order the members for Hartley, Morialta and the leader. I warn for the first time the members for Mount Gambier and Mitchell. To those who were calling time and clinking glasses, the Premier was only two minutes into his answer, because although the computer timing system failed, the Crvena Zvezda stopwatch did not. The leader.

UNEMPLOYMENT FIGURES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:40): Given the Premier has outlined to the house the accelerated program of policy settings that he is going to have in place, can he perhaps outline to the house when he believes the South Australian unemployment rate will get back to the national average?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:41): If I was able to forecast those sorts of matters with some degree of certainty I would certainly have quite a lot of value in another profession. Can I say that, of course—

Members interjecting:

The SPEAKER: The member for Unley is warned for the second and final time.

The Hon. J.W. WEATHERILL: —our objectives are to grow the South Australian economy as fast as we can so that we can not only reduce the level of unemployment but also cope with what we do understand will be the very substantial challenge of consuming the loss of our automotive industry. That's not a decision we took, it was a decision that your federal colleagues took and we are doing the best we can to grapple with the circumstances that we've been given. I know those opposite are there forecasting a 10 per cent unemployment rate, a double digit unemployment rate; indeed they have repeated that prediction time and time again.

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: I've looked very carefully through your suggestions about stimulus and I actually have a little bit of trouble understanding how you can spend $500 million without worsening the budget, without sacking a bunch of public servants. So, I don't know how that's going to stimulate the South Australian economy.

Members interjecting:

The SPEAKER: The leader and the member for Chaffey are warned and the Treasurer is warned for the second and the last time.

The Hon. J.W. WEATHERILL: I'm also curious about the largest single measure in that so-called plan, $270 million, which is actually a return of the Liberal concession that was created on ESL which they plan to give back to their constituency, about how that's going to do anything to create a job. I'm curious about that as well. Leaving those two pools aside, we will be taking steps to accelerate our economic plan for South Australia. We have a Mid-Year Budget Review which we will be handing down—

Mr Marshall: 23rd of December again, or 24th?

The Hon. J.W. WEATHERILL: No, I don't think it will be 23 December this year. We believe that there is an urgent need to take steps to accelerate our economic plan and we will be doing that.

Mr Marshall interjecting:

The SPEAKER: The leader is warned for the second and final time and the Treasurer is on thin ice.

The Hon. J.W. WEATHERILL: I don't think we need the desperate histrionics of the opposition leader. I know he's under a lot of pressure these days.

Members interjecting:

The Hon. J.W. WEATHERILL: That's right. There's been some curious censorship of certain transcripts about certain radio interviews; apparently that's been going around a bit.

Can I say, Mr Speaker, that we take very seriously the challenges that many workers and their families are facing, especially given the awful news yesterday about the closure of Leigh Creek and, of course, the revelations about Arrium. It receives our constant attention. We would like those opposite to assist us in the speedy passage of legislation that will assist us in creating job opportunities. There's a practical way in which we can work together, and I hope that we will be able to complete that work before the end of the year and offer the business environment which will be necessary to create jobs in our economy.

Mr Whetstone interjecting:

The SPEAKER: The member for Chaffey is warned for the second and final time. Leader.

UNEMPLOYMENT FIGURES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:45): My question is to the Premier. In the face of the highest unemployment rate in the nation, will the government now bring forward the planned stamp duty cuts to urgently stimulate job growth in South Australia?

The Hon. A. Koutsantonis interjecting:

The SPEAKER: If the Treasurer opens his mouth outside standing orders once more today, he will be leaving us under the sessional order. Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:45): We will be announcing our Mid-Year Budget Review later this year. We will be taking a range of steps to accelerate our economic plan for South Australia and people can evaluate that at that time.

UNEMPLOYMENT FIGURES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:46): My question is to the Premier. Will the government reverse its current position which effectively increases the payroll tax on small business in seven months' time?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:46): Can I say that—and this is a curious question—if we are talking about immediate stimulus, I don't know why the leader would be talking about a budget measure which is presumably something that will be discussed in the next budget.

Mr Gardner interjecting:

The SPEAKER: The member for Morialta is warned.

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: Well, this is a payroll tax reduction that I introduced when I was treasurer. It's been continued for the last three years. It means—

Mr Marshall: Has somebody told you that?

The Hon. J.W. WEATHERILL: It amounts to a payroll tax regime—

The SPEAKER: The leader is warned for the second and final time.

The Hon. J.W. WEATHERILL: It amounts to a payroll tax regime that makes South Australia have the lowest payroll tax take in the nation.

Ms Sanderson interjecting:

The SPEAKER: The member for Adelaide is called to order.

The Hon. J.W. WEATHERILL: So, the member for Adelaide says it's not working, so perhaps we should return to the previous regime. Is that what she's suggesting?

Mr Gardner interjecting:

The SPEAKER: The member for Morialta is warned for the second and final time.

The Hon. J.W. WEATHERILL: So, we have the lowest payroll tax regime in the nation. It's something I thought those opposite would welcome, not criticise. I note that the Leader of the Opposition suggests that in the next budget it should be continued. Well, that's a matter obviously for our next state budget and we will give that consideration. I don't understand how it fits into the category of immediate steps to ensure that the South Australian economy responds to its present circumstances, but the immediate steps that we will be taking will be outlined in the Mid-Year Budget Review which will be revealed shortly.

WHYALLA STEEL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:47): My question is to the Premier. Can the Premier suggest how the state government could increase the use of Whyalla steel in state government projects?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:47): Once again, we are interested in exploring that matter and we will be saying more about steps that we can take to support Arrium. We've certainly made representations at a national level. I know that the Minister for Industry yesterday was engaged in this debate with representatives of our local media. We've certainly put propositions to the federal government and, indeed, our state counterparts, and you will also see that we have announced a new procurement policy which provides support for local content, but we will be saying more about this.

It's my intention to focus our attention on the Whyalla district. It is going through a considerable period of change. I know that the minister has deeply engaged in conversations with Arrium about steps we can take as a state government to assist them in reducing their cost base in a way which will guarantee their future viability. So, we're certainly considering all of these issues and we will soon be making further announcements about them.

WHYALLA STEEL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:49): Supplementary: can the Premier outline to the house how much of the steel being used on the Northern Expressway is from overseas?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (14:49): Can I thank the Leader of the Opposition for his question because it goes directly to how important increased investment and infrastructure is to support economic activity, certainly during construction of those projects and on an ongoing basis after those projects have been delivered—something of course that he stood up in the last election and called a false economy, something which would support high levels of economic activity and jobs, and now—

Mr GARDNER: Point of order, sir, standing order 98: the minister is debating and he is not responding to the question.

The SPEAKER: I was unable to hear the minister, but I will listen carefully to hear if he is debating the matter.

The Hon. S.C. MULLIGHAN: Thank you, Mr Speaker. I don't have specifics for that one, but what I can say is that the majority of the steel used in the South Road superway project was sourced from OneSteel. Eighty per cent of the reinforcement steel used to construct the pile caps, piers and segments was procured from OneSteel. Certainly all steelwork, I am advised, associated with the upgrades regarding the rail revitalisation projects was sourced from OneSteel at Whyalla, and we will see, of course, in this Riverbank Precinct and the Adelaide Convention Centre stage 2 redevelopment underway at the moment, the vast majority of the steel there sourced from OneSteel at Whyalla.

Members interjecting:

The Hon. S.C. MULLIGHAN: It is coming up very quickly, and once again I reiterate the point of—

The SPEAKER: The member for Newland is warned.

The Hon. S.C. MULLIGHAN: —how critical it is, despite policies that were taken to the last election, cancelling projects like Torrens to Torrens, that infrastructure investment is supported to support jobs—

Members interjecting:

The Hon. S.C. MULLIGHAN: —in this state, in this economy. What have we had in response?

Mr GARDNER: Point of order.

The Hon. S.C. MULLIGHAN: The establishment of a—

The SPEAKER: Before that point of order, the member for Davenport is warned.

Mr GARDNER: Standing order 98 again: the minister is debating again.

The SPEAKER: No, I don't think so. Minister? The minister is finished.

WHYALLA STEEL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:51): Supplementary, sir: can the minister bring an answer back to the house as to what percentage of the steel on the Northern Expressway project is going to be sourced in South Australia?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (14:51): My understanding is that, apart from some minor finalisation works, the Northern Expressway was largely delivered and completed several years ago.

ROAD MAINTENANCE

Ms COOK (Fisher) (14:51): My question is to the Minister for Transport and Infrastructure. Can the minister explain to the house the government's investment in road maintenance on South Australian roads?

Mr Pederick: Four minutes isn't long enough.

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (14:51): It isn't—because there's so much work going on. The member for Hammond is correct.

The SPEAKER: The member for Hammond is warned.

The Hon. T.R. Kenyon interjecting:

The Hon. S.C. MULLIGHAN: Can I thank the member for Fisher—

The SPEAKER: The member for Newland is warned for the second and final time.

The Hon. S.C. MULLIGHAN: —for her question and her interest in this area. I note some very late, after 13 years and eight months, interest from members of the opposition in roads earlier today, and that is a good thing. Hopefully, some of it filters forward towards the front bench.

As members would be aware, the Treasurer, in the June state budget, announced an additional $110 million for improvements to South Australia's existing road network. This included an additional $70 million to improve critical road infrastructure, focusing on resurfacing and resealing works, and to provide better quality road surfaces. The budget also included an additional $40 million to improve road safety, such as shoulder sealing, over the forward estimates.

This is an extension of the highly successful funding program over the previous four years that has significantly increased safety for road users, particularly on regional roads. Importantly, $71.5 million of this extra $110 million of funding will be spent in regional South Australia. Overall, this brings our total investment in improving our existing roads to a total of $513 million over the next four years, with approximately $322 million of this to be invested in regional South Australia.

Projects already completed include rehabilitation and resurfacing works at Port Wakefield Road near Balaklava, in the member for Goyder's electorate, as well as seven kilometres of shoulder sealing on the Balaklava road between Balaklava and Bowman, and also at Happy Valley Drive in the member for Fisher's electorate. Projects currently underway include Waterloo Corner Road, in the member for Ramsay's electorate; 17 kilometres of the Copper Coast Highway between Paskeville and Kadina, also in the member for Goyder's electorate; and about 1.3 kilometres of Marion Road between Thirza and Alawoona Avenue, in the member for Elder's electorate.

In addition, road rehabilitation and resurfacing projects on sections of road set to commence before the end of this year include:

- Main South Road—approximately 1.2 kilometres between Myponga and Yankalilla, in the member for Finniss's electorate;
- Regency Road—about 1.6 kilometres between Hampstead Road to Main North Road, in the member for Enfield's electorate;
- Barossa Valley Way—about two kilometres within the Tanunda Township, in the member for Schubert's electorate;
- RM Williams Way—approximately six kilometres between Spalding and Hutt River, in the member for Stuart's electorate;
- Meadows to Willunga Road—about five kilometres between Meadows and Phillips Road in the electorates of the members for Heysen and Finniss;
- Berri to Loxton Road—about one kilometre between Lock and Mildura on the Loxton to Pinnaroo Road, within about 800 metres, I am advised, of the Loxton township in the member for Chaffey's electorate—

Mr Whetstone: Chaffey.

The Hon. S.C. MULLIGHAN: Chaffey. Yes, you are Chaffey.

An honourable member interjecting:

The Hon. S.C. MULLIGHAN: That's right—and Daws Road, about 800 metres from Winston Avenue to Goodwood Road in the member for Waite's electorate. This is in addition to road safety improvements such as shoulder sealing and audio tactile line marking. Sealing the shoulders of high-speed roads can make a huge difference in preventing a driver losing control of their vehicle when it strays off the road, and audio tactile line marking is another effective measure which creates noise and vibrations when a motorist veers out of the lane.

The SPEAKER: Alas, the minister's time has expired. Leader.

REGIONAL EMPLOYMENT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:55): My question is to the Minister for Regional Development. Can the minister outline what specific measures the government is taking to address unemployment in the Whyalla region?

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (14:55): Last Thursday in Port Augusta, I announced a $7 million economic package in the Upper Spencer Gulf and outback areas. This includes setting aside up to $5 million from the next round of the Regional Development Fund round 3 to support projects which will create jobs and drive economic growth areas. I brought forward the round 3 from next year into this year to stimulate and assist the outback areas, the Upper Spencer Gulf and the rest of regional South Australia.

I also announced a new $2 million small grants program exclusively for the region, called the Upper Spencer Gulf and Outback Futures Program. This program will provide dollar for dollar funding between $50,000 and $200,000 for industries and communities in the Upper Spencer Gulf and the outback. I strongly encourage individuals—

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is on his last warning.

The Hon. G.G. BROCK: I strongly encourage individuals, local companies, businesses large and small, as well as local councils, Regional Development Australia and the Outback Communities Authority to put forward applications for funding projects. Support for this South Australian government assistance has come from the mayors of Port Pirie and Whyalla, the deputy mayor of Port Augusta, the Outback Communities Authority, other councils in the region and the Regional Development Australia associations for the Upper Spencer Gulf. This is in contrast to the very disappointing and negative response from the opposition the next day. I must point out that no-one from the opposition, nor their federal colleagues, has provided one dollar towards any initiative to address the position people now face—

Members interjecting:

The SPEAKER: The member for Unley will leave the chamber under the sessional order.

Mr Pisoni: How long?

The SPEAKER: For the remainder of question time.

The Hon. G.G. BROCK: Mr Speaker, I have to—

The SPEAKER: Would the member for Unley please leave.

The honourable member for Unley having withdrawn from the chamber:

The Hon. G.G. BROCK: I reinforce: no-one from the opposition, nor their federal colleagues, has provided one dollar towards any initiative to address the opposition that people now face following the recent decisions by Alinta and Arrium. I have—

Members interjecting:

The Hon. G.G. BROCK: I have visited the Deputy Prime Minister, the Hon. Warren Truss, and I have also written to the federal government asking them for matching funding. I would ask the state Liberals to do the same, and work with me and the South Australian government to secure matching federal funding for the Upper Spencer Gulf and the outback.

Mr MARSHALL: Supplementary, sir.

The SPEAKER: Before the supplementary is asked, the members for Schubert and Kavel are called to order, and the Minister for Health and the member for Finniss are warned for the first time. Supplementary.

REGIONAL EMPLOYMENT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:59): Given the minister's answer, can the minister explain why the state government has failed to deliver an equivalent level of funding in response to on-site job losses at Alinta and Arrium as for the northern suburbs of Adelaide?

Members interjecting:

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:59): I wanted to protect you from the Minister for Regional Development. He gave you such a towelling up that I thought it was appropriate that I actually step in at this point. Fair's fair.

We are confronted with the closure of the car industry in South Australia, and I think one does need to get a sense of proportion about this. We are talking about the largest sector, by value, up until a very short period of time ago, in the South Australian economy (the manufacturing sector) and the largest segment within that particular economy, being the car manufacturing sector.

That is a gargantuan change in the South Australian economy. It is right and proper that very substantial resources were devoted to it, and many more are probably going to be necessary to be devoted to that massive change. That is not to say that there are not very substantial changes also occurring in regional towns, in particular, Whyalla. We are, obviously, taking every step that we can

to support Arrium in their decision to be able to remain viable in the face of falling iron ore prices and we will take whatever additional steps are necessary to support that town.

Simultaneously, also, we are confronted with the loss of Port Augusta's power stations and, of course, Leigh Creek's coalmine, and we are in the early stages of completing that work. Remember, of course, in relation to both of those matters, we have very substantial obligations as a government to take back about 140 of those workers in that particular area. So we already have made a very substantial contribution as a state government to ameliorating the effect of those changes, but more will be necessary to be done.

What we are not going to do is apply money before we have a very clear idea of the sense of purpose in which it needs to be applied. That is why we are doing the work at the moment with Leigh Creek. Leigh Creek has a future until 2018 and, indeed, the people there have an opportunity to remain in their own homes, including their tenancies, for a further 12 months. So there is a degree of security in the short term for a number of those workers.

We do not underestimate the urgency of the response but I think it is unfair to compare the various levels of support and, also, the different stages of response that we are presently engaged in with each of those communities. There is no part of South Australia that is less important than another and we will be responding to each of these parts of South Australia in its proper measure.

GRAIN HARVEST

The Hon. T.R. KENYON (Newland) (15:02): My question is to the Minister for Agriculture, Food and Fisheries. Minister, can you update the house on how the spring weather conditions have affected this year's grain crop and, in particular, the canola harvest of Mr Joe Honner?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (15:03): I'm not sure how Joe is going down there with the canola but, in general terms, Warooka on lower Yorke Peninsula missed a lot of the heat in early October: it wasn't as hot. They have had problems with snails more so than mid to northern Yorke Peninsula, and the canola wasn't too bad because they had flowered before the real heat of early October.

It is interesting just how much the farmers rely on lucky breaks with the weather. There were a few of us over at Minnipa on 2 September and we could not hear ourselves in the shed because it was raining so loudly. A month later, the member for Goyder and I, and a few others, were at the Yorke Peninsula field days, over at Paskeville, and everything looked good. The crops looked fantastic all around the place. The only thing that didn't look good was the weather forecast for the upcoming weekend. Kadina was forecast to have 37º and then those hot northerlies hit.

Just a few weeks earlier, we had been predicting a statewide crop of 7.6 million tonnes. The latest crop report we are going to put out this afternoon has downgraded that to 7.1 million tonnes. I guess there would be some who would say we are probably lucky it wasn't worse than that. 7.1 million tonnes is above the 10-year average, which we had to upgrade earlier in the year to 6.9 million tonnes because we have had six above-10-year average harvests in a row. I guess it is good that we are above that 10-year average, but not as good as we could have been, looking at earlier in the year.

One of the areas that we are particularly worried about is the Upper South-East, because they have had two really tough years. We will be down there as part of the community cabinet next week, and I am going to host a community forum at the Naracoorte Hotel next Monday at 1 o'clock. We invite any farmers or members of the public to come along. We want to hear the sorts of effects that these two really dry years have had on people down there.

I have spoken to some of the farmers and some of the stock agents, and they say that because they have had some good seasons most of them have managed to put some money away, so they are going to ride it out and hopefully have a better season next year. But they are worried about contractors and people like truck drivers because, when you have to cut back on your spending on the farm, they are the first things that you cut back on. We know that we have to listen to what people are saying down there and see what sort of action we can take.

In general terms, if we look at the statewide summary, rainfall from September ranged from very much below average in parts of the South-East to average in the Northern Mallee and parts of Eyre Peninsula. October rainfall was the lowest on record for most of the Lower South-East and very much below average for most of the agricultural areas. The Northern Mallee and parts of the Mid and Upper North were below average.

Growing season rainfall ranged from very much below average in the South-East and parts of the Southern Mallee, Southern Yorke Peninsula and Lower Eyre Peninsula to average in the Upper North and Central Eyre Peninsula. Mean maximum temperatures for September were near average for most of the state; however, hot, windy conditions were observed on that October long weekend (4 and 5 October) across the state's agricultural areas.

Mean maximum temperatures for October were the highest on record for the majority of the state, with Lower Eyre Peninsula, western Kangaroo Island and the Lower Lakes area being very much above average—so, pretty harsh conditions indeed with all that heat we had throughout October. Harvest began early in the Upper North, and other districts began soon after—that was the first week of October. This is two to three weeks earlier than usual in most areas of the state.

Significant loss of crop yield potential has occurred in most districts as a result of below average September rainfall, combined with hot, windy conditions in early October, resulting in stressed crops. At the end of September, yield potential on most of Eyre Peninsula and the Upper, Mid and Lower North were well above average. Hot, dry conditions reduced crop yield potential—

The SPEAKER: Alas, the minister's time has expired.

REGIONAL EMPLOYMENT

Mr MARSHALL (Dunstan—Leader of the Opposition) (15:07): My question is to the Minister for Regional Development. Is the minister satisfied with the Premier's explanation as to why the government is providing less than one-seventh of the funding per job lost in Whyalla and Port Augusta versus that provided to job losses anticipated in northern Adelaide?

Members interjecting:

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (15:07): Mr Speaker, as I indicated before—

The SPEAKER: The member for Adelaide is warned.

The Hon. G.G. BROCK: I think the Premier answered the question a bit earlier but, as I indicated in answer to the question before from the Leader of the Opposition, what I have done is brought forward round 3 of my Regional Development Fund and I am asking the federal government to match that $7 million, and the minister has not ruled that out. I asked members on the other side to contact their—

Members interjecting:

The Hon. G.G. BROCK: I asked members on the other side to support that and do the lobbying on behalf of that, and I asked their federal colleagues to do the same.

REGIONAL EMPLOYMENT

Mr MARSHALL (Dunstan—Leader of the Opposition) (15:08): Supplementary: is the minister satisfied with the level of funding—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The Treasurer can depart, under the standing order, for 15 minutes, it being his first departure under this standing order.

The honourable member for West Torrens having withdrawn from the chamber:

Mr MARSHALL: Thank you, sir. My question is to the Minister for Regional Development. Is the minister satisfied that the $5,000 per job lost in Whyalla and Port Augusta is sufficient compared to the $37,500 allocated to each anticipated job lost in northern Adelaide?

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (15:09): I think I have answered that question before. However, can I reiterate that round 1 of my Regional Development Fund produced over 653 projected jobs and attracted $334 million worth of private equity from the regions into regional South Australia. Round 2 projected 505 jobs and in excess of $200 million worth of private equity—

Mr Whetstone interjecting:

The SPEAKER: The member for Chaffey can depart under the sessional orders for the remainder of question time.

The Hon. G.G. BROCK: I ask the Leader of the Opposition to work with us to ensure that we get the responsibility and some input from the federal government.

Mr MARSHALL: Supplementary, sir.

The SPEAKER: Can we just wait until the member for Chaffey departs.

The honourable member for Chaffey having withdrawn from the chamber:

REGIONAL EMPLOYMENT

Mr MARSHALL (Dunstan—Leader of the Opposition) (15:10): A new question to the Minister for Regional Development: what is the unemployment rate in Frome?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:10): I am sure the member for Schubert can find it for him on the internet.

SUBMARINE TECHNOLOGY CONFERENCE

Ms VLAHOS (Taylor) (15:10): My question is for the Acting Minister for Defence Industries. Can the minister advise the house about the Submarine Institute of Australia's Technology Conference being held in Adelaide this week?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:10): It's not on the internet. I thank the member for Taylor, who is also the parliamentary secretary to the Premier, for this very important question. As members might be aware, the Premier this morning officially opened the Submarine Institute of Australia's 3rd Technology Conference. The conference is being held in Adelaide until 19 November and this year's theme is 'The Future Submarine: Australia's greatest science, technology and engineering challenge'.

The conference aims to stimulate discussions on the political and strategic environment in which Australia's submarine capability must navigate. It is anticipated approximately 200 delegates will attend from defence, industry and academia. Strong international representation is expected from Japan, France and Germany, with each competitive evaluation process participant delivering an address to delegates about their approach to SEA1000. The importance of the Future Submarine project must not be underestimated. It has the potential to transform our industrial base and provide jobs for decades to come.

Mr Marshall interjecting:

The Hon. J.J. SNELLING: I thought this was a bipartisan issue. Obviously, the opposition are changing their tack on this particular issue. I did think it had bipartisan support but, by the sound of the noise coming from the Leader of the Opposition, it would appear that that apparently is not the case.

We have the talent, we have the facilities and we have the determination to successfully build the entire fleet of future submarines here in South Australia, the defence state. The South Australian government has invested over $300 million in state-owned infrastructure at Techport Australia to develop a world-class maritime industrial precinct. Already home to the $8 billion air warfare destroyer project, the multibillion dollar Collins class submarine sustainment contract and the confirmed consolidation site for the Future Submarine project, Techport Australia is indisputably the nation's premier naval shipbuilding hub.

I look forward to attending the conference dinner on behalf of the Minister for Defence Industries this evening with the member for Taylor, the parliamentary secretary, and I wish delegates a very successful conference.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (15:12): My question is to the Minister for Education and Child Development. Can the minister assure the house that Families SA takes action on all cases in which it receives information about a drug-abusing parent under section 20(1) of the Children's Protection Act?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (15:13): I think the question requires some attention. If we are talking about section 20(2), which refers to the drug assessment that's required, that is a question of, if it is the view that there is a risk to the child and there are drug activities occurring, then, unless the CE is otherwise satisfied that the matter is already in hand, assessment orders ought to be sought from the Youth Court.

If that is a correct interpretation of the question that has just been asked then, as the house will be aware, there was some criticism levelled at Families SA in the recent Coroner's report on the death of Chloe Valentine. In that, the view was expressed that that clause hadn't been adequately used and, indeed, has not separately been reported on at all previously. However, it is not the case that drug orders are not sought by Families SA. I have recently been looking at the data for those drug orders because I am interested in how we are monitoring the use of drugs.

So, the data that I have got at the moment refers to assessment testing and treatment orders grouped up, and there were only—well, 'only'—185 done in the 2013-14 year and in 2014-15 there were 435, so a big bump in that year, and already in the first quarter of 2015-16 we have undertaken some 259 orders, or orders have been granted, which would put us on track to hitting over 1,000. So, I think if I have correctly interpreted the question, that is the extent of my answer.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (15:15): Supplementary: if the department is picking up all of the cases under section 20(1) applications, why did the Chief Executive, Tony Harrison, in his evidence at the inquest into the death of Chloe Valentine (page 122, paragraph 13.2) say that if they were to make applications under section 20(2) in all cases there would be a 'dramatic implication for resourcing'?

The SPEAKER: Minister.

The Hon. S.E. CLOSE: The Attorney is—

The Hon. J.R. RAU: I was just going to say, Mr Speaker, I believe that if a matter is actually before the parliament it is not appropriate for it to be the subject of these types of interrogations at question time. And the very matter which is the subject of these questions is—

Mr Gardner interjecting:

The Hon. J.R. RAU: —the child protection bill, which is before the parliament presently. It is in the other place right now.

The SPEAKER: Could I see the supplementary question, please?

Members interjecting:

The SPEAKER: Well, could it just be written out and brought to me, meanwhile we will go to the member for Morphett.

The Hon. J.M. Rankine interjecting:

The SPEAKER: The member for Wright is called to order.

BUSHFIRE PREPAREDNESS

Dr McFETRIDGE (Morphett) (15:16): My question is to the Minister for Emergency Services. With the start of the fire danger season in the Mount Lofty Ranges today and given that currently there is a level 4 alarm bushfire burning at Kyeema near Willunga, a level 1 bushfire burning at Kuitpo, a level 3 bushfire burning at Woolshed Flat in the Barossa and a level 2 bushfire burning at Mount Pleasant, can the minister assure residents that recommendations from the AFAC Operational Audit of the Sampson Flat bushfire have been implemented and, if not, why not?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:17): I think I have actually answered this question previously when I tabled the report, and also in my response where I indicated that a number of the recommendations were implemented immediately and that a number of the recommendations required a number of agencies to work together. But there was nothing in that report which actually would suggest that we had to change anything dramatically in the way we operate. I am very confident that our emergency services can handle any matter that comes before them.

The SPEAKER: I do not uphold the Deputy Premier's point of order. The member for Adelaide is asking a question about an existing subsection of the act and I do not think that goes to the merits of the bill before the house. The member for Adelaide.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (15:18): To explain a bit more clearly, perhaps—

The SPEAKER: Well, no, just read the question.

Ms SANDERSON: Read the question? If the department is picking up all of the cases—

The SPEAKER: Point of order.

The Hon. J.M. RANKINE: Point of order, sir: the member for Adelaide asked a supplementary question. A supplementary question has to be as a result of the answer given by the minister, and the member for Adelaide already had it written out on her piece of paper, typed out, so it cannot possibly be a supplementary question.

The SPEAKER: The member for Wright will be seated while I rule on her point of order. I do not uphold the point of order for this reason: that the member for Adelaide has brought the proposed question to me and it was noted by her in the form of an explanation to her first question. The member for Adelaide.

Ms SANDERSON: Thank you. If the department is picking up all cases under section 20(1), as mentioned that you are not reporting under section 20(2) for the last few years, why did the Chief Executive, Tony Harrison, in his evidence at the inquest into the death of Chloe Valentine (page 122, paragraph 13.2) say that if they were to make applications under section 20(2) in all such cases there would be a 'dramatic implication for resourcing'?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (15:19): I do not want to revisit partial sections of the exchange between the Coroner and the chief executive. I do not think that is particularly fair, given that we are not providing full context of the discussion, but nonetheless the point that is being made I believe is the question of the use of clause 1 versus clause 2. The truth of it is that Families SA has not been reporting under clause 2 and has not explicitly sought orders under clause 2 previously but, subsequent to the Coroner's recommendations which were accepted by the government, Families SA has commenced a process of protocols whereby it would be able to make sure that where appropriate clause 2 was being used. I anticipate that being reported in the annual report that comes out that covers the period following that decision being made.

As I indicated, there are a lot of orders that are made under whichever clause—clause 1 and possibly other clauses—but I do not want to exhaustively go through the different parts of the act. Whether the premise is that all matters are always dealt with I could not be as unambiguous about that. We all know that we are managing very complex circumstances both in the community and

within Families SA. We have a royal commission running at the moment which is seeking to assist us in the construction of the child protection system, and I look forward to a report that helps us do that job better.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (15:21): A supplementary: given the huge jump in the number of cases that are now being reported—I believe you said from 185 to 435—can the minister assure the house that the children prior to this financial period are safe and that they have not slipped through the cracks and we are not going to have another Chloe Valentine incident?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (15:21): I could simply answer no, because no minister could say, looking before I was even involved, that there were children who were not looked at who may—

Ms Chapman interjecting:

The Hon. S.E. CLOSE: —subsequently come into the child protection system, so I think that is constructed as a trap, which I guess is what one should expect in question time rather than a serious question.

Mr Marshall interjecting:

The Hon. S.E. CLOSE: But the truth of the matter is that we are seeing an escalation of the number of assessments—

The SPEAKER: The leader and the deputy leader are both on their final warning.

The Hon. S.E. CLOSE: Nonetheless, we are seeing an increase in the assessment testing and treatment orders that are being sought and granted, and I imagine that that is both through a change in approach and attitude within Families SA but also, far more worryingly, an increase in the use of drugs that are causing people to become poorer parents. I think we are all aware of the particular issue of the scourge of ice and the consequences that has for people's behaviour and presumably treatment of their children, so that would be a reasonable explanation for the increase and the escalation in the number of orders that are being sought.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (15:22): A supplementary: that certainly was not designed as a trap, but will the minister take it upon herself to now go back and review (or have her department review) the files to ensure that children have not slipped through the cracks where there were suspected drug and alcohol abuse and it is reported on their files that perhaps have been closed, that she will review them?

The SPEAKER: I think the question has been asked. Does the minister have anything to add?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (15:23): No.

SOUTH AUSTRALIA MINING APP

Mr ODENWALDER (Little Para) (15:23): My question is to the Minister for Mineral Resources and Energy, fortuitously. Can the minister update the house on the uptake of the South Australia mining app launched by the government almost two years ago?

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (15:23): Ask the minister for Aboriginal heritage. I thank the member for Little Para for his question and keen interest in our world-class resources and energy sectors. South Australia's mining industry has made significant advances since this government took office in 2002 and, of course, information technology has advanced in leaps and bounds.

On 11 October 2013, just two short years ago, I was delighted to launch a new smart phone app to empower resource investment in South Australia. Information technology has meant that vast amounts of knowledge held by the state about our mineral resources and energy projects can now be unleashed through the power of a smart phone. The free 24-hour access to key information provided by this internet enabled app is helping to keep investors up-to-date as they weigh up investment decisions affecting South Australia's resource and energy sector. Since the launch—I will speak slower for the member for Schubert so he can find it—the Department of State Development has recorded 2,130 downloads through the app store for iPhones and a further 560 downloads using Google Play for Android phones.

Mr Knoll interjecting:

The SPEAKER: The member for Schubert is warned a first time and the member for Hammond is warned a second and final time. The Treasurer.

The Hon. A. KOUTSANTONIS: So, milestones have been achieved with app store downloads breaking the 2,000 mark, Google Play surpassing 500, for a grand total of 2,708 downloads. Hopefully, those download tallies will continue to grow in lockstep with the interest in our resources and energy sector. This is only the beginning and I hope that, as more prospects progress through the pipeline, we will experience increasing interest in our state's resources and energy sector. These are challenging times for our resources and energy sector. World commodity prices have fallen dramatically, iron ore prices are recovering from six-year lows and the world oil price remains below $50 a barrel. The government will not be abandoning the resources and energy sector in these challenging times. Where we can support the industry with innovative policies we will continue to do so.

The South Australian mining app is an example of how using innovation can better inform the market and investors about the opportunities in South Australia. It allows people to access some of the wealth of information available through our award-winning web-enabled SARIG, the South Australian Resources Information Geoserver developed by the resources and energy division of the Department of State Development. Access to this information, as well as the tremendous state asset we have in our state drill core library, are some of the reasons why South Australia continues to be highly regarded in the annual Fraser Institute survey. I was pleased that South Australia's geological databases were ranked second in the world in the latest survey.

The Hon. J.J. Snelling: Is that second?

The Hon. A. KOUTSANTONIS: Second in the world. Investments by this government in world-leading initiatives such as SARIG, the Plan for Accelerating Exploration (known as PACE) and the drill core library are the very foundations on which the continued success of our resources and energy sectors will be built. I recommend the South Australian mining app to all members. If you haven't already done so, I encourage you to go to the app store or Google Play and download a version for your smart phone.

COUNTRY FIRE SERVICE

Dr McFETRIDGE (Morphett) (15:27): My question is again to the Minister for Emergency Services. Has the role of the CFS been clearly defined as per recommendation 18 of the AFAC Operational Review of the Sampson Flat Bushfire, and if not, why not?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:27): I thank the member for his question. I can advise the member that all of the chief officers and police have met in the last days to make sure that each role they play in emergency services is very clear, but also to work out a plan should a major incident occur. Given that they are the people who actually undertake the work day to day, I am confident that, should a major incident occur, emergency services will be able to respond in a very effective and efficient way. I am very confident that, combined with the paid staff who we have working across the services and with the support from volunteers in rural areas, should an incident occur it would be addressed. However, I would also like to reaffirm that while we are ready to respond and have the utmost confidence in our ability to respond

and that the resources are available, prevention is better than the need to respond, so I would continue to urge the community to take preventative action.

COUNTRY FIRE SERVICE

Dr McFETRIDGE (Morphett) (15:28): Supplementary: can the minister tell the house whether the number of state incident management teams has been increased from four to six, as per recommendation No. 8 in the review?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:29): The last advice I received on that matter was that the CFS chief officer believed that that was not a requirement, he doesn't believe that is necessary at this point in time, and having reviewed—

Members interjecting:

The Hon. A. PICCOLO: We've said that. Given that there has been internal review amongst all of the services, my understanding is that they are confident they can work with the existing structure. Again, every year after each fire season matters are reviewed, and should that change they will do so; but, certainly, they believe that recommendation does not need to be implemented at this point in time.

COUNTRY FIRE SERVICE

Dr McFETRIDGE (Morphett) (15:29): Further supplementary, Mr Speaker: can the minister tell the house whether a South Australian bushfire plan has been put in under the state emergency management plan as recommended?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:30): I thank the honourable member for his question. There is a plan in place. The plan has always been in place and that plan is reviewed. The plan under the Emergency Management Act, which comes under the control of, I believe, the Premier, from memory, is put in place and reviewed, and that plan is constantly reviewed and it is reviewed after each season.

COUNTRY FIRE SERVICE

Dr McFETRIDGE (Morphett) (15:30): Further supplementary, Mr Speaker: minister, can you tell the house whether Emergency Management Australia's arrangements for interstate assistance have been included in the planning for this year?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:30): Mr Speaker, I would need to get some clarification from the agency on that matter.

COUNTRY FIRE SERVICE

Dr McFETRIDGE (Morphett) (15:30): The question is to the Minister for Emergency Services. Is recommendation 3 being implemented before this fire season to have automatic vehicle location fitted to all CFS appliances and, if not, why not?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:31): I thank the honourable member for his question. That's a matter which I actually raised with the chief officers only this week in my regular meeting with them. I have asked that if that matter cannot be addressed I would like to find alternative ways to achieve the same outcome.

KANGAROO ISLAND AIRPORT

Mr PENGILLY (Finniss) (15:31): My question is to the Minister for Transport and Infrastructure. Given the Premier's commitment to contribute $9 million as a 50 per cent contribution to upgrade Kangaroo Island airport, why isn't this amount disclosed in the 2015 state budget? If this amount is in the forward estimates, will the minister confirm in what year?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (15:31): I thank the member for Finniss for his question. I can confirm that the government has made a commitment of $9 million on a dollar matching basis, we hope, with the commonwealth government to provide the other $9 million. I understand there is some anecdotal evidence to support that they will be forthcoming with their share of this, and we look forward to that formally being confirmed. As for the detail about its treatment within the budget papers and which financial year that falls, I might pass it off to my colleague the Treasurer, or perhaps come back to you with some advice once I've consulted with the Treasurer.

ALCOHOL AND OTHER DRUG STRATEGY

Mr DULUK (Davenport) (15:32): My question is to the Minister for Mental Health and Substance Abuse. Given that the 2015 annual progress report on the South Australian Alcohol and Other Drug Strategy 2011-2016 is due to be provided by the end of this month, when do you expect the report will become available on the SA Health website?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:33): My guess would be by the end of the month.

The SPEAKER: Member for Davenport, supplementary?

ALCOHOL AND OTHER DRUG STRATEGY

Mr DULUK (Davenport) (15:33): I do, sir. Given that, can the minister explain why the 2014 annual progress report is still not available on the website despite his statement back in July during budget estimates that the report had come into his office and was 'just waiting for me to approve it'?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:33): I'm more than happy to have a look. I don't recall having seen it, but I will find out why it hasn't been tabled.

MULTI-AGENCY PROTECTION SERVICE

Mr GARDNER (Morialta) (15:33): My question is to the Minister for Police. Has the minister received the evaluation into the Multi-Agency Protection Service that's been undertaken, and, if so, will he now release it?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:33): I thank the honourable member for his question. The answer is no. The advice I have received to date is that the draft report went to the steering committee and the steering committee has requested that some further work be done on the report. As I have indicated previously, once I receive the report I'm happy to work on the response and bring it to the house.

Ministerial Statement

LEIGH CREEK

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (15:34): I table a copy of a statement made by the Minister for Manufacturing and Innovation in the other place.

Grievance Debate

O-BAHN TUNNEL

Mr MARSHALL (Dunstan—Leader of the Opposition) (15:34): On 25 February 2015, the government announced the third version of the O-Bahn extension, which will see Hackney Road transformed into a six-lane corridor into the city. Since February, my office and I have fielded many calls from concerned locals about the pedestrian and vehicle impacts of this project on the local community.

Can I state from the outset that I do believe that the O-Bahn infrastructure itself is an outstanding piece of public transport infrastructure. Of course I would say that, because it is an excellent piece of infrastructure introduced by the Tonkin Liberal government. Nevertheless, my local community understands the significance of the O-Bahn in South Australia and they fully support public transport improvements when they are delivered in a strategic manner. However, it is quite clear to me and to many of my constituents in Dunstan that a number of issues relating to this important project remain unresolved to this point in time.

I have been contacted by many residents, young and old alike, who are concerned that their access to the Botanic Gardens from Hackney will be significantly more difficult. Residents are rightly concerned about their ability to cross over to the Botanic Gardens. They will now need to cross six lanes of traffic with no signal crosswalks between North Terrace and Bundy's Road—that is a distance of 1.2 kilometres.

The government's project impact report itself talks about a diminution of safety with regard to pedestrian crossings in this stretch, and yet no alternative options have been addressed. Yes, there will be pedestrian refuges along Hackney Road. There are currently four, plus two electronic crossings at each end of Hackney Road, with over 660 pedestrians using them every day. It is concerning that, to date, as far as I am aware, no independent safety study has been conducted which takes into consideration pedestrian movements as well as traffic movements.

I have been contacted by residents who are dismayed that there is no alternative for them to head north along Hackney Road without heading significantly south in the first instance. This poses a significant issue for the residents of southern Hackney in particular, as they will essentially become landlocked by these traffic restrictions. I have been contacted by many people about this important point. They are concerned about the fact that this government simply does not understand that this project will considerably alter the way they travel in and out of suburbs east of Hackney Road.

This project was originally announced as an $80 million project. Today, this is a $160 million project that many people in my local area continue to be very frustrated by. When the Public Works Committee examined the O-Bahn project on Monday 21 September, I took the opportunity to outline the main concerns of local residents that still need to be addressed, and I wish to put these concerns back on the record today:

- firstly, to provide a U-turn capability between Plane Tree Drive and North Terrace;
- secondly, to facilitate safe pedestrian access to and from Hackney and the Botanic Gardens;
- thirdly, to allow right-hand turns out of Hackney during non-peak hours; and
- finally, to establish a keep clear zone on North Terrace adjacent to Osborne Street.

These are all what I consider to be reasonable requests. They are not vexatious: they are the reasonable requests of concerned local residents. These are genuine areas of concern that I, as a local member, do not believe have been adequately addressed by this minister or this government. Failure to address these issues is going to result in significant changes for local residents.

It is the sign of an arrogant, out-of-touch government that it starts a project without the entire array of concerns even being addressed. This project is still being examined by a dedicated parliamentary select committee, yet the government has already begun construction before the committee has handed down its findings.

I would like to thank the local community, especially the Hackney Residents Association, led by Serena Culls, who addressed the select committee and has taken, I believe, a mature attitude towards this project, always working respectfully to arrive at reasonable solutions to identified local problems. This is a significant issue for the local community. I have been grateful to work with all of them and I would like to take this opportunity to acknowledge their hard work.

My position is clear: I am without doubt a strong advocate for a quality public transport system. It goes without saying that of course commuter safety is of upmost importance, but this argument must be used for both pedestrians and motorists alike. We acknowledge that work on this project has already started, but it is not too late to resolve these local concerns.

I ask the minister and the department to put themselves in the shoes of residents in my electorate, in particular, Hackney, College Park, Kent Town and St Peters—the people who will be most affected by this project. These local issues must be resolved. I implore the minister to look at them. We need to continue to work hard to resolve them, and that is exactly what I plan to keep doing.

LIVING BEYOND SUICIDE

The Hon. P. CAICA (Colton) (15:40): On Saturday just past, at 5 o'clock in the morning, I along with about 30 other people gathered at Oarsmen Reserve at Tennyson. Simultaneously, there was a same sized group down at the West Beach boat ramp facility, and what we were participating in was the annual AnglicareSA Living Beyond Suicide Walk Through the Darkness. It was a pretty good event, very sombre and moving. I did not know too much about Living Beyond Suicide up until that day and committing to go to that walk. By way of information, I also walked with the Hon. John Dawkins from the other place, who has been doing it for a long time and is a very strong and great advocate for suicide prevention and support.

Living Beyond Suicide is a free program providing practical and sensitive support to families and individuals bereaved through suicide. The staff, a few of whom I met, and also the very strong volunteers, specially trained volunteers, offer home visits and telephone support. Anyone in the community can contact Living Beyond Suicide directly to access this support.

As I mentioned, Living Beyond Suicide hosts an annual walk of remembrance—Walk Through the Darkness—held every November. If there was one thing I was not too happy about it was walking along the beach at a really high tide. It was almost six kilometres in soft sand, and for an old fella like me it was very difficult. It allows families, friends and others to walk in remembrance of loved ones who have taken their own lives, but the walk also serves to provide and offer community education, and that was part of the process that I undertook on Saturday morning.

The two walking groups reached their destination at the Henley Surf Life Saving Club at just after sunrise. The service of remembrance is normally held in Henley Square but, because of the construction that is going on there and the redevelopment, of course, it was held in the Henley Surf Life Saving Club, as the chosen venue for the ceremony of remembrance. What a wonderful venue it was to conduct what was a very moving and poignant ceremony.

The aim of AnglicareSA Living Beyond Suicide program is to provide that centralised location where anyone in South Australia who is bereaved through suicide can find support and help. It was a terrific program opened by Karl Telfer giving a welcome to country. There was also a series of singers who sang some beautiful songs, particularly Joseph Braithwaite and Grace Bawden, whose mother, I understand, used to work here some time ago. She has a beautiful voice. Peter Sandeman, the CEO of AnglicareSA, welcomed everyone there.

What really struck me were the two survivor reflections that were provided by two of the young women there; it was very moving. But what also struck me was the support that they had received throughout this entire period. The second survivor reflection, for example, was given by someone who only seven months ago lost her partner, and it was very difficult for her to speak. She was very brave and spoke extremely well, but she highlighted the support she had got not just simply from Living Beyond Suicide but from the Living Beyond Suicide group of volunteers preparing her worksite for her return back to work by talking to her work colleagues so they understood what had occurred but also what support they could provide her.

I am not sure if many people in this chamber are aware of this organisation under the auspices of AnglicareSA, but I would encourage everyone next year to consider coming on this walk and for us as members of parliament to actually look at what support we can give through educational processes to our community to make sure that people are aware of this outstanding service.

I think every one of us has been touched by suicide in some way—some more directly than others. We know it is a traumatic time for those who are left behind, probably for the rest of their lives, but they can get through it providing support is given to them from the whole of the community, their friends and families.

I want to congratulate Peter Sandeman and Anglicare, their dedicated workers and their volunteers who provide much support for people who have lost their loved ones. I congratulate and thank them for the work they are doing. As parliamentarians, if we can provide any support at all to them, I certainly urge us to do so as individuals and as a collective.

NATURAL RESOURCES MANAGEMENT LEVY

Mr BELL (Mount Gambier) (15:45): Today, I rise to talk about the natural resources management levy. It is yet another example of a government so out of touch with regional areas and so out of touch with food producers and primary producers, and I will explain why.

We have been informed through minister Hunter that the NRM boards are set to have full cost recovery of their operations. That means covering $3.5 million for this financial year, rising to $6.7 million next financial year and indexed in future years. On the face of it, I have no problem with full cost recovery if it is applied equally across all parts of South Australia, and that is what, unfortunately, is not being done. There are plenty of services which do not have cost recovery, yet the regional areas are now going to be stung with full cost recovery.

What does this mean for somebody down in the South-East? It normally will mean a household levy increasing from $42, which is what it is currently, up to $127. This is on top of an emergency services levy and yet another grab by this government for those resources and that money. Unfortunately, those who are going to cop it the most are our primary producers. I have seen some estimates of where up to $2,000 will be added onto the NRM levy for a primary producer.

This comes on top of a massive increase in the emergency services levy, and this government sits there and says, 'We don't understand what the problem is with regional areas.' Can I say that, in the South-East Local Government Association submission to the NRM levy, the South-East region contributed 21.6 per cent of the gross state product for agriculture, forestry and fishing, yet it is these industries and these people who are going to be doing it the toughest.

Many probably do not know, because they are stuck in a bubble up here in Adelaide, that the South-East has had two years of consecutive poor springs, which means that our fodder and grazing are not at the level they have been in previous years. We have had failed crops. This levy is going to strike at the heart of many of our farmers, and I have had a number of farmers come and see me.

As I said, I have no issue if you are going to apply cost recovery across South Australia, but to selectively go after regional areas with an NRM levy is pretty ordinary as far as I am concerned. This will culminate in issues with CFS groups, who will boycott attending fires on government land, which is not where we want to be ending up. We actually want to be working together.

I have a sneaking suspicion that this is all part of a plan to fund the South-East drainage issues. In March this year, minister Hunter enacted a citizens' jury on how the state government is going to pay for the drains and, interestingly, recommendation No. 5 states that the community panel recommends that the government source sufficient annual funding for the drains from better planned budgeting, etc., but also from the South-East Natural Resources Management Board.

In my opinion, this is a smokescreen to raise the levy, which the minister has indicated to me on many occasions is what he sees as the way of increasing that funding to manage the drains at a sufficient level. It is a disgraceful tax grab which is going to hurt regional areas. It is going to hurt our primary producers, and I call on the minister to rethink that strategy.

SEAFORD AMBULANCE STATION

Mr PICTON (Kaurna) (15:50): I rise today to talk about a very important issue for the electorate of Kaurna, which is the provision of an ambulance station at Seaford. This is something that the community in Seaford has been campaigning on for a long time. As members would know, Seaford is a growing area; it is a relatively new suburb with significantly more houses going in every day.

The Seaford District Residents Association ran a very large petition a number of years ago calling for an ambulance station to be provided in the area. This government, in the last election, committed the funds to do that as part of our commitment to build three new ambulance stations:

one at Northfield, one at Noarlunga and one at Seaford. The Noarlunga station is going ahead, and is to be built near the Noarlunga hospital. It is to be a very large ambulance station and will be the central hub for ambulances and paramedics in the southern region.

The Seaford ambulance station is to be a spoke to that hub. The only issue is that we need a site for this ambulance station. The South Australian Ambulance Service spent some time looking at the call-out data and the location data to determine what the optimal site for that station would be, and they determined that that site would be best placed next to the Seaford CFS station located on Seaford Road.

They then approached the local council (City of Onkaparinga) who owns that site to ask whether a lease or ownership arrangement could be entered into so that the ambulance station could be placed there. Much to my dismay and that of many people in the community, the City of Onkaparinga said that they did not think that that was an appropriate place for an ambulance station as it did not fit the 20-year strategic vision that it had determined for that site.

I was very staggered to hear this, as I think were many people, because an ambulance station is obviously one of the most crucial things that an area needs. It is really at the top of the list for health services that a community needs. People have greater need for health services than almost any other service in a particular area. So, I was very disappointed that they rejected this, and they did not even give any other proposed sites that they recommended.

Since this has been raised in the media, they have now turned around and started discussions with the government about where the station could go, so that is a positive development. However, they still have not turned around their original objection to that particular site next to the CFS station.

They talk about this 20-year plan that was developed, and I am very concerned that the plan does not actually look at the health services of the particular area. It proposes, for this site, a BMX track. I am sure many younger people in the area would like to have another BMX track; however, I am sure most people in the area would actually prefer to have the ambulances located there. It is an area where there is a retirement village close by, and there is an aged-care facility immediately next door to the site.

There is also the growing suburb of Seaford Meadows, which has many young families—some of whom I have spoken to—who are concerned about their children and potential asthma attacks if they are asthmatic. I have also spoken to older people who have had heart attacks and there have been issues with ambulances being too far away. Of course, this area is located quite a fair distance between the existing ambulance stations of Aldinga to the south, Christie Downs to the north and McLaren Vale to the east, so it does take ambulances quite a significant amount of time to get there.

We are now looking at whether we can squish the ambulance station on the current CFS site. I am a bit concerned as to whether that is possible. I do not want to see any reduction in the available car parking for the CFS station because that is obviously needed when there is a major call-out and everybody needs to arrive at the station, drop what they are doing and head out on a call-out. So we do not want to see any reduction in that.

There were other suggestions raised by the council that were all very unhelpful in terms of large commercial properties that could be for sale. Essentially, they looked at realestate.com.au and sent us a list of properties that could be for sale. There has been an analysis done of those properties and none of them were particularly useful or could be worked up for this site. I am going to keep campaigning on this issue and will be launching a petition in the coming days. I call on the City of Onkaparinga to reverse their decision.

Time expired.

POLLARD, MR C.C.

Mr TARZIA (Hartley) (15:55): Today I rise to speak about the life of Clarence Charles (Clarrie) Pollard, who passed away recently. He was very much a statesman and a community legend of our local area. He was born in 1924 and was an absolute legend of our local community. He was

educated at Payneham Primary School and had an array of local and also worldwide experience. He served Australia in the war. He enlisted in the Royal Australian Air Force at only 18 years of age and served for many, many years. I believe he served in South-East Asia, Morotai and Tarakan South Islands, as well as the Philippines and Japan.

From a Returned and Services League point of view, Clarrie served on the Payneham RSL sub-branch as a member for over 60 years. He was a committee member for much of that time, including 14 years as president, and was awarded life membership. He partook in organising many projects, including the remembrance garden at Payneham, the pathway of remembrance, the federation arch, clubroom renovations and the cross of sacrifice repairs.

From a church point of view, he was a member of what was formerly the Luhrs Road Uniting Church congregation. He was an elder of the church for over 20 years, as well as an Eldercare board member for 14 years. Not only that, but his community service to our local area was phenomenal. He was a Payneham football club player and an official for about 40 years, as well as a life member. In fact, this year on ANZAC Day—and he could always be seen following the Payneham Norwood Union Football Club—Clarrie tossed a penny at the start of the football match of that club where he was a life member. He also served on the Payneham Sports Association, the Payneham Probus Club for many years, some of those years as president as well as a tours officer, and the Payneham cricket club as a player and supporter.

From a local council point of view, Clarrie was part of the 150 year jubilee (in 1986) committee from 1984. He was an organiser for the community choir and he always used to partake in the thanksgiving service, the Carols by the Creek and the grand procession, as well as other events like the bicentenary, the community choir, the Christmas carol evening and the Australia Day procession. Workwise, he served with the Adelaide City Council for over 30 years, as well as being on the ACC Employees Sick and Accident Fund Committee for 29 years, and chairman for 12 years. He went on to participate in many other activities with the Adelaide City Council.

Clarrie was zone leader for six years with Neighbourhood Watch, he participated for nine years with the Payneham and Dudley Park Cemetery Board, as well as being awarded volunteer of the year for the City of Payneham council in 1989 and the commonwealth volunteer of the year in 2001. He was also awarded an Order of Australia on 13 June 2011 for his services to the community, in particular the Payneham RSL.

Clarrie will be sadly missed. Obviously our condolences are with Clarrie's family on the passing of a good and genuine mate, and a legend of our local community. Vale and may he rest in peace.

EMBROIDERERS' GUILD OF SOUTH AUSTRALIA

The Hon. S.W. KEY (Ashford) (15:39): I had the honour recently of representing Mrs Hieu Van Le, patron of the Embroiderers' Guild of South Australia Inc. at the 50th year anniversary and the launch of two guild exhibitions. I, like you, Deputy Speaker, am a proud member of the Embroiderers' Guild. In addition, I am also a guild trustee.

Although the guild is in the electorate these days of West Torrens, it is one of the wonderful organisations like the Handspinners and Weavers Guild and the Woman's Christian Temperance Union of South Australia that were in the electorates of Hanson and Adelaide and then Ashford, but, sadly, now are not in Ashford. The Embroiderers' Guild continues to impress me with its work, classes, projects and networking with more than 500 members and 12 country branches. This is a wonderful, progressive organisation.

The country branches are located in the Barossa Valley, Bordertown, the Copper Triangle, Eyre Peninsula, Flinders, Gawler, Mount Gambier, Naracoorte, Port Pirie, the Riverland, the South Coast and Yorke Peninsula. I was pleased to see that many of the country members had made their way to the celebration. Over the past year, I have had the opportunity to work particularly with the immediate past president of the Embroiderers' Guild, Arrienne Wynen, as well as its secretary, Gwen Deare, and the team on a number of areas. I should emphasise that they have done all the work but, hopefully, I have been helpful to them.

The 50th celebration included a presentation of a 50-year badge to a founding member, Anne Elston, from Eyre Peninsula; and I was very pleased to discuss this award with the member for Flinders because Anne has had such a fabulous contribution to the Embroiderers' Guild. Internationally-renowned ceramicist Stephen Bowers again wowed the crowd with the 'golden hand', and I was very pleased to see that it was a left hand at that—being left handed and left minded—which I had commissioned for the 50-year anniversary.

I understand that this ceramic art piece will be displayed alongside the 40th anniversary gift (again crafted by Stephen Bowers), which is of a willow pattern, although it does have a beautiful blue and white portrait of the Embroiderers' Guild house on the front of it, which is a large cup and saucer. I also understand that his Excellency the Governor, the Hon. Hieu Van Le AO, and Mrs Lan Le, the guild patron, have invited a number of the guild members to Government House for a morning tea in recognition of the 50th celebration. Unfortunately, as I said, Mrs Le was not able to come to the celebration at the Mile End premises but she was happy for me to represent her at that particular stage.

There has also been an informal visit to the guild arranged for Mrs Le to view the two wonderful exhibitions. I do recommend that members visit the 50th Gold Challenge exhibition, where basically members were given a piece of gold material and asked to make something in readiness for the exhibition. The variety of work and also the standard of work has been fantastic. I also recommend the Golden Threads Museum Exhibition.

If members do get the opportunity to go to the Embroiderers' Guild they will notice that there is a fantastic display of multicultural embroidery from all over the world, and I am pleased to say that the Embroiderers' Guild actually celebrates the different contributions from different cultures in this area. The new president, Vivienne Pring, has indicated that, in addition to myriad classes and meetings planned until the end of the year at the Mile End centre, there are a number of country visits planned to the South-East hosted by the Bordertown group and to the Flinders branch, and this is all happening during November.

What an amazing voluntary organisation; which has a very high standard in the art world and in the embroidery world. Congratulations.

Auditor-General's Report

AUDITOR-GENERAL'S REPORT

In committee.

(Continued from 29 October 2015.)

The Hon. S.C. MULLIGHAN: I move:

That the timetable for the consideration in committee of the report of the Auditor-General 2014-15 be amended, by postponing the examination of the Minister for Education and Child Development (Hon. S.E. Close) and the Minister for Communities and Social Inclusion (Hon. Z.L. Bettison) until after the completion of the examination of the Minister for Agriculture, Food and Fisheries.

Motion carried.

The CHAIR: I remind members that the committee is in its normal session, so any questions have to be asked by members on their feet and all questions must be directly referenced to the Auditor-General's Report.

Mr PEDERICK: I refer to Part B page 355, primary industries, regarding purchase cards. The audit identified that in 2014-15 some staff went on extended leave while still having possession of their PIRSA purchase cards. Has the department's purchase card procedure been rectified so that this cannot continue?

The Hon. L.W.K. BIGNELL: I thank the member for Hammond for his question. The short answer is yes. The audit confirmed that purchase cards had not been used while the two employees were on leave which demonstrated staff were adhering to the existing controls, but it should be noted that all existing controls continue to apply to the use of purchase cards while staff are on leave. Whilst there was no inappropriate activity, PIRSA responded to the perceived higher risk raised by audit by

immediately contacting the two staff members who were on maternity leave and arranging for their cards to be returned to their relevant supervisors.

PIRSA has recently put in place a process to remind supervisors of those staff who have a purchase card and have booked periods of extended leave—that is defined as 90 calendar days or greater—so that the card can be returned prior to the leave commencing. PIRSA has incorporated guidance into existing purchase card procedures for the return of purchase cards to relevant supervisors where there is a planned staff absence of greater than 90 calendar days to address the audit concern, and this will complement the existing controls.

Under existing control mechanisms PIRSA can also request the transaction limits on any given purchase card to be reduced to effectively make the purchase card inactive to mitigate the risk of inappropriate or invalid transactions should there be unplanned extended leave. I am advised PIRSA staff currently on extended leave (those who are purchase card holders) have returned their PIRSA purchase cards and do not have them in their possession. The transaction limit on their purchase cards has also been reduced for the duration of their absence. As at the end of September 2015, there were 610 purchase cards issued within PIRSA.

Mr PEDERICK: Then can you add, minister, whether under your ministry there have been any situations where a card holding staff member has had to be queried over a purchase made whilst on leave?

The Hon. L.W.K. BIGNELL: I am advised by PIRSA management that that has not happened.

Mr PEDERICK: I refer to page 356 and the online training program for managers. The audit identified that despite the fact that all managers are required to complete online training regarding payroll reports, 14 were yet to do so. The department responded that those 14 would complete the training by end of July 2015, so have all those 14 managers now completed the required training?

The Hon. L.W.K. BIGNELL: I am advised that all current PIRSA PayPoint managers, including any new managers, have now completed the online training. This was achieved by the end of July 2015 with the training designed to ensure PayPoint managers understood their responsibilities when reviewing and certifying bona fide certificates and monthly leave returns. In addition a report is being distributed every six weeks to divisional business managers to verify the ongoing accuracy of the PayPoint manager listing and to ensure all new managers have undertaken the online training as part of their induction to the role. PIRSA has also provided, again to all current PayPoint managers, updated procedures on the review of bona fide certificates and leave returns, reinforcing their responsibilities and the consistent approach of review required by all PayPoint managers. All PayPoint managers, as at 23 October, were trained.

Mr PEDERICK: Page 357, timely review of fisheries licence renewal checklist. The Auditor-General noted that the fisheries and aquaculture unit reviews licensee details and fees before licence renewals are sent out. It is noted that those reviews of the 2014-15 period were not dated, so it could not be ascertained whether they were done in a timely manner. Although the department has amended this in time for the 2015-16 renewals, how can the minister guarantee that licences have been billed accurately for the 2014-15 period?

The Hon. L.W.K. BIGNELL: Thanks again, member for Hammond. The audit review of controls relating to the fisheries licensing revenue area highlighted minor opportunities to improve controls. I am advised that PIRSA has already addressed the issues and strengthened the current control arrangements with updated procedures, practices and checklists. Audit identified at the time of the audit that there were some fisheries licence renewal checklists for the 2014-15 licence fees not having a date of review recorded on them, therefore the audit was unable to determine from the documentation when the review was undertaken.

I am advised there were no issues raised in relation to the accuracy of the information used for the 2014-15 licence fees. Audit acknowledged that there were other controls to assist in ensuring the licence accuracy and noted the date block included on forms for the 2015-16 licence renewal process. The process for fisheries and aquaculture staff is to review annual licence renewal invoices printed by Shared Services SA prior to the invoices being sent to the licence holders. The review ensures the licence name, licence number and invoice total agrees with the licence holder details

and the primary industry information management system, which is the system used to manage fishing licence activities. This review is evidenced by the reviewing officer signing and dating the licence renewal checklist for each licence type.

Mr PEDERICK: Minister, can you give the house comfort that these reviews will be dated in the future?

The Hon. L.W.K. BIGNELL: Yes, I can.

Mr PEDERICK: I will go to page 358, grants and advances revenue for SARDI. The Auditor noted that debt management reports for SARDI were not distributed in a timely fashion due to staff constraints between July and December 2014. What were the staff constraints?

The Hon. L.W.K. BIGNELL: I am advised that one staff member was ill and another staff member left and, as noted in the audit findings, SARDI has subsequently appointed a replacement finance officer to further mitigate the risk of delays in completing scheduled tasks. SARDI has implemented a finance services checklist which is reviewed and followed up by the SARDI finance manager.

Mr PEDERICK: I refer to forestry, page 359, fraud and corruption plan and fraud register. The audit identified that the PIRSA fraud control plan did not include a requirement for the comprehensive assessment of the risk of fraud, corruption or other criminal conduct. This results in an increased risk of the department not effectively managing the prevention and risk of fraud. ICAC alleged that the former ForestrySA chief executive improperly exercised influence to benefit a company between 2013 and mid-January of last year. Has the minister or the department either been questioned or received any advice since the allegation was made about fraud and corruption management in PIRSA and how that may have affected the alleged conduct of Adrian Hatch?

The Hon. L.W.K. BIGNELL: This matter is before the courts and I am not aware if I am able to provide any information on that without perhaps risking saying something that I should not say.

The CHAIR: The member for Hammond accepts that, I am sure.

The Hon. L.W.K. BIGNELL: But I am happy to have a look outside of this process and get back to him, if he would like.

Mr PEDERICK: Thank you.

The Hon. L.W.K. BIGNELL: I do not have any legal advice on whether I can talk.

The CHAIR: The member for Hammond accepts that; that is fine.

Mr PEDERICK: The supplementary report, page 68, TVSPs, shows that there were 68.3 FTE reductions from TVSPs from November 2010 to June 2015. Have any of the former or current employees of ForestrySA who did or will transfer to OneFortyOne accepted a TVSP and, if so, at what cost?

The Hon. L.W.K. BIGNELL: Just bear with me and I will get the ForestrySA person to come down. Jerome Coleman is the acting CEO. The short answer is no; none of those staff who went over to OneFortyOne took a TVSP.

The CHAIR: We are moving to tourism, a quick changeover. Would you like to give the page reference and we can all scurry through to it.

Mr PEDERICK: Tourism, page 472 in Part B of the Auditor-General's Report—Absence of signed written agreements. The Attorney-General noted that a review of revenue contract management noted that there was a contract which was not signed until after the event had concluded and another occasion when an agreement was not formally documented. What was the contract that was not signed until after the event and why was it not signed on time?

The Hon. L.W.K. BIGNELL: This related to one instance when the timing of the execution of a revenue contract occurred after the conclusion of the event to which it related as well as one instance of an agreement which was not formally documented. The individual responsible for this area has been spoken to and is now well aware of the South Australian Tourism Commission's requirements regarding the execution of contracts. The South Australian Tourism Commission will

continue to ensure that all contracts and other agreements are in place to document arrangements and are executed in a timely manner.

The first instance relates to a contract for event sponsorship income. The contract was formally executed after the event to which it related and had concluded. All obligations under the contract were fulfilled by both parties. The SATC acknowledges the audit finding and has reinforced to the relevant staff the requirement to ensure that the SATC complies with its contract management framework and to ensure that all contracts are approved by the appropriate delegate prior to the execution of the contract.

The second instance was an agreement with the Victorian government to contribute to the SATC's costs in bringing international cycling teams to Australia. Although no formal contract was in place at the time of the audit, there was written communication agreeing to the arrangement. The SATC acknowledges the audit finding and has reinforced to the relevant staff the requirement to ensure that the SATC complies with its contract management framework and ensure that all future significant arrangements be formalised through a written contract.

The CHAIR: With your page reference number we could be ready. Your page reference number for sport? Which book are we in?

Mr WHETSTONE: Thank you for the prompt—Agency audit reports, pages 322 and 323.

The CHAIR: Part B?

Mr WHETSTONE: Part B, page 322. Given the Auditor-General's concerns about the documented procedures of administration for the sports voucher program, is there more than 0.5 of an FTE currently administering the program as originally allocated?

The Hon. L.W.K. BIGNELL: At the moment, 1.5 FTEs are doing the scheme.

Mr WHETSTONE: Where has that one FTE come from? What part of the Office for Recreation and Sport is missing a full-time employee?

The Hon. L.W.K. BIGNELL: We are not missing anyone; that is the good news. That person is still there just doing a different role from the one they were doing before, and the bits and pieces of the role that that person was doing before have been picked up by other existing staff members in the Office for Recreation and Sport.

Mr WHETSTONE: So, efficiency gains—well done, Paul. What measures are currently in place to ensure that sports clubs and organisations claiming vouchers for reimbursement are valid? Can you, minister, guarantee every voucher claimed so far has been validated?

The Hon. L.W.K. BIGNELL: As addressed during the audit, all the provider's details in the preregistration stage are checked, such as the provider's ABN and incorporation status. Where the organisation is a private provider, their affiliation status with the relevant state sporting association is also checked. The Crown Solicitor's Office is currently determining whether access to the Child Safe Environments database can be granted to the Office for Recreation and Sport for the purpose of verifying the compliance with the Children's Protection Act 1993. If access is not granted, verifying these details will be problematic.

The Office for Recreation and Sport reported during the audit that to have officers witness more than 1,100 providers to ensure children's participation is not less than 10 weeks would be unrealistically resource intensive. It was agreed with the auditor that during the random audit of claims, where an officer contacts a parent to verify that their voucher was redeemed at a provider, a second question will be asked to verify the minimum 10-week participation criteria.

Changes to provider information—for example, bank details, etc.—in the claim system were not independently reviewed to ensure they were valid and accurate, increasing the risk of invalid or fraudulent payments. This matter was identified as a need and is included in the second phase development of the software application. In this software update, only providers will be able to alter bank account details. Officers from the department will be unable to make any changes to bank details.

Also, certain officers had access to both create providers and process payments against those providers in the claim system, increasing the risk of error and/or fraudulent transactions. Prior to audit, it was an established practice to ensure separation of duties between officers mitigating this risk. However, the audit concern is noted that technically this can still occur. This has been raised with the department's ICT department and is included in the second phase development of the software application. A number of software improvements have been approved and prioritised for further enhancement in 2015-16. However, as an interim assurance, monthly financial reconciliation reports conducted by a separate financial team contain the claim reviewer and the claim authoriser to monitor the separation of duties.

When you come up with a new scheme, you always need to tweak it and make sure that if there are any issues we can iron them out. This is why we have the Auditor go through everything. We always welcome that because they bring a different set of eyes and point out things that need improving, and that improvement is underway.

Mr WHETSTONE: I am glad to see you are on top of it, minister. Annual Report, Volume 4, pages 81-82—grants by the Office for Recreation and Sport: minister, can you provide a breakdown of the $760,000 of non-SA government grants received by the Office for Recreation and Sport in 2015?

The Hon. L.W.K. BIGNELL: Can you just repeat that?

Mr WHETSTONE: Can you provide a breakdown of the $760,000 non-SA government grants received by the Office for Recreation and Sport in 2015?

The Hon. L.W.K. BIGNELL: Is this the federal partnership?

Mr WHETSTONE: Yes.

The Hon. L.W.K. BIGNELL: Most of that money comes from the National Sporting Organisations and is funnelled through the South Australian Sports Institute for that high-performance level training and other costs. We are happy to get you a breakdown and provide that to you. We do not have it with us, but we are happy to send that off to you.

Mr WHETSTONE: Why is there an almost $2 million decrease in grants by the Office for Recreation and Sport from 2014 as opposed to 2015?

The Hon. L.W.K. BIGNELL: That was part of the changes that we made to the community recreation and sport facilities funding from a couple of years ago and those decisions that were made, which included changes to the way we fund state-level sporting infrastructure as well, like The Pines and the Diamond down at West Beach. Things that now need state-level funding have to go through the budget process rather than having a pool of money there in the recreation and sport budget.

Mr WHETSTONE: Are you considering reinstating the $3½ million Community Recreation and Sport Facilities Program?

The Hon. L.W.K. BIGNELL: We changed things around in how we spend the money, so now we have the money going into the $50 sports voucher, which we see as an important thing that was not there before. That is providing money to families for their primary school-aged students to be able to engage in club sport. As I said, if we need funding for state-level sporting infrastructure, we will still go to the budget and get that sort of money, and we have done that in the past and will continue to do that in the future. I think we still have the same level of funding. We have money coming in from the Adelaide Oval deal, so $200,000 in the first year through to $1 million by 2020, so we do have more money coming in there. We have put extra money in with the sports voucher system and we will continue to look after our sporting groups right around the state.

Mr WHETSTONE: Minister, the $200,000 funding from the Adelaide Oval still has not kicked in yet—1 July 2016.

The CHAIR: The minister is saying this does not refer directly to anything in the Auditor-General's Report.

Mr WHETSTONE: Yes it does: Volume 4, pages 81-82—grants.

The CHAIR: So you are trying to draw a bow between what?

Mr WHETSTONE: Minister, you said that the $50 voucher has been in response to the decrease of the $3.5 million Community Recreation and Sport Facilities Program. Is the $50 voucher program new money or is it money that has been cost shifted?

The Hon. L.W.K. BIGNELL: This is not anything to do with the Auditor-General. The line of questioning is not actually anything to do with the Auditor-General. This is not something that the Auditor-General has gone through and picked us up on or anything like that. These are more sort of estimates questions.

Mr WHETSTONE: I beg to differ. This is Volume 4, pages 81 and 82—Grants by Office for Recreation and Sport. The question is about the grants program. You just stated that the $50 voucher program is in response to the reduction of the Community Recreation and Sport Facilities Program.

The CHAIR: So what is your question now?

Mr WHETSTONE: My question now is: now that we have an almost $2 million decrease in the grants program by the Office for Recreation and Sport, how much of that money that now goes through cabinet or goes through a different process has been made available through the state budget to support sports programs?

The CHAIR: It is up to you whether you want to answer it, apparently.

The Hon. L.W.K. BIGNELL: I do not think it is relevant to the Auditor-General's Report.

The CHAIR: There is a line in here about it. You have given some information on it, and it is really up to you if you want to add and answer the question.

The Hon. L.W.K. BIGNELL: No, I have nothing to add to what I said before.

Mr WHETSTONE: I have one final question. There is a reduction of $2 million from the 2014 to the 2015 year in grant funding. How much of that $2 million reduction that now, as you said, goes through cabinet, and decisions are made around a different table, has been awarded to sports clubs?

The Hon. L.W.K. BIGNELL: What we have done is approve $7.7 million over four years for the sports voucher program, so we are putting more money into rec and sport.

Mr WHETSTONE: One of my previous questions was: why is there an almost $2 million decrease in the grants program from 2014 to 2015? You said that you have now introduced a new $50 sports voucher program. The $3.5 million Community Recreation and Sport Facilities Program is now gone, so what I am asking you is: how much of that $3.5 million has been awarded to sport and rec clubs since the state budget, given it is now supposedly in general revenue?

The Hon. L.W.K. BIGNELL: In 2013-14, we put an extra $4 million in and we cleared a lot of the rec and sport applications for improvements around the state, so that is why you have seen a decrease in that figure from that year to this year. It was an extra $4 million that had not previously been there.

Mr WHETSTONE: I know you are short for time, minister, so just a last question, which is on the Agency audit reports, page 323—Contract management for recreational and sporting facilities. Why were there no contract management arrangements for the SA Aquatic and Leisure Centre, Pines Hockey Stadium and Netball SA Stadium despite the department being responsible for those facilities?

The Hon. L.W.K. BIGNELL: There were agreements in place but that was under the old DPTI structure and things have changed, so the auditor has asked for new contracts to be drawn up.

Mr WHETSTONE: The audit reports at page 323, the SA Aquatic and Leisure Centre. What was the company that undertook extra rectification works at the centre, what were the works performed and at what cost?

The Hon. L.W.K. BIGNELL: I might pass that one on to the Minister for Transport and Infrastructure. He builds them, we fill them.

Mr WHETSTONE: How much money was paid to the contractor over the contract limits to—

The Hon. L.W.K. BIGNELL: As I said, we do not handle it. We handle the sport and recreation side. When it comes to the building and the contracts, it is my colleague.

Mr Whetstone interjecting:

The Hon. L.W.K. BIGNELL: You can ask him that when he is up.

The CHAIR: Time has expired for the examination of this part of the report. We thank the minister, advisers and members for their help and we call on the Minister for Education. I remind everybody that the committee is in session and, as such, you need to stand to ask your questions and answer them. I ask the member for Adelaide for her first question.

Ms SANDERSON: In Part B, I am starting at page 114, the Carer Approval and Registration Manual reference, and I quote from the Auditor-General's Report:

> The absence of approved policy and procedure documentation that is available for staff reference may result in inconsistent practices, the breakdown of internal controls and processing errors.

My question is: given the many and varied issues with inconsistency of service delivery and handling of children at risk, can the minister explain why the Placement Services Unit Manual of Practice 2012 and the Carer Approval and Registration Manual 2012 (now called the Carer Registration procedures) are still both in draft form and have been since 2012 and noted every year in the Auditor-General's Report?

The Hon. S.E. CLOSE: I have just been taking advice on that. It looks like further restructures in 2014-15 have meant that these procedures are still in the process of being redeveloped. However, there are now draft versions of both documents that were provided to the Auditor-General's Department in July 2015 and I am advised that the expectation is they will be completed by 30 December 2015.

Ms SANDERSON: At page 115, regarding the insufficient supporting documentation, particularly where there are variations to agreed rates, I quote from the Auditor-General's Report:

> The absence of supporting documentation, particularly for variations to agreed rates, gives rise to the risk that the rates charged were not checked prior to payment and that the amount paid was not accurate or valid.

My question is: when will the new processes be introduced to ensure invoices are checked against contracted rates before payments are made?

The Hon. S.E. CLOSE: The previous audit did note the extensive review and emergency care invoices varying across Families SA offices, and noted that in particular there was a lack of evidence that rates invoices were verified against the agreed price schedule. DECD reissued instructions to all relevant staff, reinforcing the need to thoroughly check all emergency care payment invoices. DECD also amended the payment coversheet to include a statement for certifying that services invoiced were provided and rates charged were agreed to in the agreed price schedule.

In 2014-15, the audit noted only one instance in their sample where the amended payment coversheet was used. Some instances where invoices were stamped and signed to certify that services invoiced were provided and rates charged were agreed to the price schedule, and many instances where there was no evidence services invoiced were provided and rates charged and were agreed to the price schedule.

DECD has again reissued instructions to all relevant staff, reinforcing the need to thoroughly check all emergency care payments. DECD will review the emergency care payment processes in 2015-16, and this will include a review of the transactions queried by audit, with a view to resolving issues with those transactions, as well as using these examples to inform the new, improved processes.

Ms SANDERSON: On that same line, in that case: in 2014 the issue was identified. I think you said that then there was a coversheet that was issued and staff were told to use it, but it was only found to be used on one occasion in the total audit, which is clearly not acceptable. Now you are going to reissue the same instructions and hope that something different happens. Will somebody go back through and audit every single payment that was made to make sure that they are actually accurate? Obviously, an audit only picks up a sample, so there could be a big financial discrepancy.

The Hon. S.E. CLOSE: I will take that level of detail on notice, about how we are going to handle previous transactions.

Ms SANDERSON: Page 115 again; quoting from the Auditor-General:

Making payments prior to the execution of agreements gives rise to the risk the Department may not be able to recover part payments made where services provided do not meet the Department's expectations.

My question is: were all care and protection service agreements executed by March 2015 this year for the 2015-16 financial year as agreed previously by the department?

The Hon. S.E. CLOSE: We want to make sure that we are accurate with our answer and we are going to take that on notice to check through.

Ms SANDERSON: Is the minister aware of the financial risk of not having signed service contracts prior to their initiation?

The Hon. S.E. CLOSE: I will take that on notice, in the sense that I want to be clear what risks we are balancing. There are of course pre-eminent concerns about making sure that children have somewhere to be, and then audit risk and financial risk needs to be taken very seriously. So, I will disentangle your question and also the Auditor's report in order to be clear about my answer.

Ms SANDERSON: Have there ever been instances where services provided did not meet the department's expectations with regard to care and protection services?

The Hon. S.E. CLOSE: We do not have advice with us today on that, as I have the audit team, so I will bring an answer back to you.

Ms SANDERSON: When you are bringing back that answer, in the instances where you were not happy with the services provided, in which case you would need a contract in order to try to recover the money, was the government able to recover any money for services that you were not happy with?

The Hon. S.E. CLOSE: I will include that in the response that I return to the parliament with.

Ms SANDERSON: Will the minister give her guarantee that all contracts will be signed three months prior to the expiry date, which would be 31 March 2016 for the following financial year, as agreed in the Auditor-General's Report?

The Hon. S.E. CLOSE: No, I cannot give a guarantee. It is an impossible ask that a minister guarantee that everything works the way it ought to work. I certainly am responsible for establishing processes in order for that to occur and we have audit in order to confirm whether or not that has occurred.

Mr PISONI: I refer to page 107. This refers to the CHRIS leave data. The auditor noted that a lack of policy or procedure in reviewing CHRIS payroll leave information against attendance records has resulted in inconsistent checking practices. Are you able to advise the house what the checking practices are and how many variations of the checking practices there are?

The Hon. S.E. CLOSE: Families SA payroll operates on the Department for Communities and Social Inclusion CHRIS payroll database, so DCSI issues employee bona fide reports to Families SA managers. Audit noticed, as at 4 August 2015, 589 or 12 per cent of the bona fide reports that were due in 2014-15 were still outstanding. At 10 November 2015, there are 101 or 8 per cent of the 2014-15 bona fide reports outstanding. DCSI has implemented a report that enables Families SA to more effectively follow up outstanding bona fide certifications. Families SA finance is currently undertaking a project that will realign all employees' pay data for the CHRIS system to new functional cost centres. Once this project is finalised, the bona fide reports will have sufficient details to facilitate follow-up with Families SA managers. The 2014-15 and 2015-16 bona fide reports are being followed up as required.

Mr PISONI: On page 108 there is reference to salary overpayments. Are those salary overpayments across the Department for Education and Child Development or are they within the education department sector?

The Hon. S.E. CLOSE: There is a lack of clarity at this point about whether those figures refer to Valeo or to CHRIS, or which proportions, so we will take that on notice in order to disentangle that and be clear about what comes to DECD.

Mr PISONI: So, that means that you are not able to tell me whether the CHRIS reporting program is responsible for any of the overpayments?

The Hon. S.E. CLOSE: We will add that to the question on notice to be clear.

Mr PISONI: Can you provide the average size of overpayments, and how many overpayments in that $1.97 million figure does that represent?

The Hon. S.E. CLOSE: We will have to add that to the response that we bring back to the house.

Mr PISONI: Could you also advise the actual cost of recovery of those overpayments, the number of staff who work in that particular area, or the man or woman hours that are allocated and the dollar value?

The Hon. S.E. CLOSE: Yes, I am perfectly happy to add that to the response that we bring back.

Mr PISONI: I have some questions on purchase cards now, minister. My understanding is that purchase cards need to have signed agreements prior to their being issued. However, the Auditor-General points out that there are a number of purchase cards where there is no signed agreement. Can you advise the committee how many purchase cards do not have signed agreements and what was the reason for purchase cards being issued without signed agreements?

The Hon. S.E. CLOSE: DECD purchase card policy requires purchase cardholder applicants to complete an agreement and an acknowledgement to a PCO2 form that states that they have read and understood Treasurer's Instruction 12 and the DECD purchase card policy.

Audit identified two instances where PCO2 forms could not be located. I do not have the reason why that happened. DECD has already begun working with Shared Services SA regarding a review of retained PCO2 forms for all current cardholders. If any PCO2 forms are missing, a form will be obtained from the cardholder so that all are covered.

Mr PISONI: With respect to travel expenses on purchase cards, the auditor noted inconsistencies, such as application forms for approvals of travel not being completed before the travel or the payment for the travel. Are you able to provide to the committee, minister, the value of travel in total paid for on purchase cards and the value of travel that is purchased on those purchase cards without first gaining approval?

The Hon. S.E. CLOSE: It is correct that DECD domestic travel policy does require that prior to travel being undertaken and expenses being incurred on purchase cards approval must be sought from the relevant delegate by the completion of a Permission to Travel Form.

Audit noted instances where the travel forms were approved subsequent to travel. The cardholder involved has been contacted regarding these issues. The Finance, Accounting and Compliance Unit has developed a purchase card fact sheet highlighting key purchase card requirements as another online resource available to all employees via the DECD intranet.

I do not have the specifics of the quantum that you have asked for and therefore I will return to you with that answer.

Mr PISONI: So, you will come back to me with the value of purchases on purchase cards. Could I have that broken down into travel and entertainment expenses in particular?

The Hon. S.E. CLOSE: Yes. We are able to provide that in some detail and we will do that.

Ms SANDERSON: I refer to page 118 in relation to information and communications technology and control. The Auditor-General raised a number of recommendations and was advised by the department that they were received positively and they would be completed by the end of June 2015. I am wondering if the minister could outline if the following recommendations have been undertaken within that time period: development of a formal IT strategic plan; the implementation of

a business continuity plan for Families SA; finalisation of disaster recovery documentation; testing of business continuity and disaster recovery plans on a regular basis; review and endorsement of the C3MS change management procedure; formal assessment of IT risks within Families SA information management systems; consideration of the review of C3MS or Families SA information management services in the 15-16 departmental internal audit plan; implementation of a formal process for a periodic review of the C3MS user access; and development of a formal process for timely notification of employee terminations to the user support team.

The Hon. S.E. CLOSE: I am aware that this work is being undertaken but because you have asked such a degree of complexity or detail of each of those points in the recommendations, I will return with an answer on each of those for you.

Mr PISONI: I refer to page 121 and expenses. The first dot point indicates that the auditor noted a $5.9 million decrease in minor works and maintenance expenditure. Are you able to advise the reason for the decrease and when the decisions were made about decreasing the expenditure on minor works and maintenance?

The Hon. S.E. CLOSE: The $5.9 million reduction is due to $3.7 million reduction in expenditure from 13-14 on ICT equipment relating to EduConnect, Digital Education Revolution, universal preschool access and Families SA; $2.7 million reduction in minor work costs in schools with many trade training centre constructions now complete; and $0.3 million reduction in other minor equipment, mainly with high expenditure within Families SA on furniture, partly offset by a $0.8 million increase in other minor works and maintenance costs.

Mr PISONI: On page 122 there is a reference to income. The first dot point notes a $335 million increase in commonwealth revenue and notes that revenues from the South Australian government have decreased by $231 million. Are you able to detail that $231 million decrease and where that money has not gone, or perhaps what areas that decrease has affected?

The Hon. S.E. CLOSE: I am advised that this is a matter of an accounting classification that came into being with the mirror, which means that money that had to come into the department that had been defined as appropriation is now defined as coming from the commonwealth, so the two balance each other. That's the largest part. There will be some other ons and offs, but that is the explanation for the lion's share of why it looks like more money has come in from the federal government and less from the state.

The CHAIR: Member for Unley, we still have five minutes to go.

Mr PISONI: Thank you very much. Can I take you to the financial report, page 94.

The CHAIR: Page 94 of the?

Mr PISONI: Of the same volume, I believe it is. My question relates to the lease payments that are itemised. Are you able to advise the house how much of the leasing payments were to Pinnacle Education for the six named super schools? While you are doing that, could you also advise whether any additional payments had been made over and above the agreed payment schedule, whether that be for a variation to the contract either caused by the government or by Pinnacle Education?

The CHAIR: Can you just check, member for Unley, what book you are actually in? We cannot find it.

Mr PISONI: It is the appendix in Volume 2.

The Hon. S.E. CLOSE: Yes, some of the finances that you are talking about that are referred to on page 94 are used for lease payments, but I will have to take on notice your question about whether there has been any beyond the expected agreed to amount.

Mr PISONI: I would like to take you to page 116, family day care expenditure. The Auditor found problems with an excessive online banking limit for the family day care bank account. This is an ongoing problem and the Auditor has previously cautioned with regard to minimising risk of exposure to incorrect and fraudulent transactions. We know there has been quite a bit in the media this year about fraudulent transactions within the family day care sector. There was an example of a family day care officer with CommBiz access who ceased employment but whose access was not

deactivated so could still access the account, from what I understand from the Auditor-General's comments.

I read with disbelief that the Auditor had previously found the department had not set a limit for the CommBiz FDC bank account, meaning that its default limit of $99,999,999 was the set limit and that even after 2014-15 the limit was only lowered to $5 million, still over eight times the highest to date weekly payment of $610,000. If authorisation control has been circumvented, your department and the taxpayer would have been exposed to some very serious value on fraud. What has the minister done to contain any risk of fraud in a family day care centre since being made aware of fraudulent activities earlier in the year?

The Hon. S.E. CLOSE: It is the case that the 2014-15 audit noted that weekly payments identified that the highest weekly FDC payment for the year to date was $610,000. So DECD acknowledged that in the previous online banking system with Westpac Corporate Online the daily transaction limit was $650,000. On 19 June 2015 DECD requested that the daily transaction limit be amended to $650,000. The daily banking transaction limits have been enabled in the CommBiz online banking system effective 23 June 2015.

Mr PISONI: On page 75, Other revenues: can the minister detail what those other revenues are?

The Hon. S.E. CLOSE: A lot of that revenue is school related and because currently we do not have a system that consistently logs all the individual transactions at a school level—which will be changed as we roll out the new education management system—we will give you what we have, including what we have at the head office level. However, it will not be in a great deal of detail at the school into revenue interaction; that will improve once we get the education management system in place.

Mr PISONI: So how do you know what the value is?

The CHAIR: This is your supplementary to your last question.

Mr PISONI: Yes, if I may.

The CHAIR: It was very generous already.

Mr PISONI: How do you know what the value is if you are relying on schools to report it?

The Hon. S.E. CLOSE: Because annually we collect the information from the schools about the extent of revenue. I am just indicating that when we come back with an answer for you it may not be to the degree of detail that you are looking for school by school, but we will provide what we have and as best we can.

The CHAIR: The time having expired, I thank the minister and her advisers. I call on the Minister for Communities and Social Inclusion and all those other things to get her advisers down ready to commence the examination of the Auditor-General's Report. Who is going to be leading the questions over here? If you give us a page number we will get ready for you.

Ms SANDERSON: Page 421, Part B: Agency audit reports.

The CHAIR: I remind everybody that the committee is in its normal session so any questions have to be asked by members on their feet and all questions must be directly referenced to a page in the Auditor-General's Report. Page 421, Part B: Agency audit reports, and the member for Adelaide is going to commence the questions.

Ms SANDERSON: My question refers to the household occupancy declaration (HOD) that has now been replaced with the household occupancy survey (HOS). The revised HOS only requires tenants to respond to the survey if there is a change in household occupancy whereas the previous HOD required a response from every tenant regarding occupancy and income changes, and a 'no response' promoted a full rent to be applied. My question is: how many respondents are there now compared to how many respondent changes were recorded under the HOD system? Can the minister estimate the loss of rental income due to the change in the system?

The Hon. Z.L. BETTISON: I thank the member for her question. Yes, that is correct: we did implement a new housing occupancy survey, which was different. Obviously we are looking to be efficient and effective and, therefore, we looked at a different system. I am afraid that I do not have the details of the differences in the numbers. I will have to take that on notice.

Ms SANDERSON: How much money was saved in administration by those changes in the survey?

The Hon. Z.L. BETTISON: My apologies to the member: I do not have that detail at hand. I will have to take that on notice.

Ms SANDERSON: Is there an audit process to check for differences? So, if one year there were 1,000 people who registered changes under the compulsory situation and now that it is not compulsory you might only have 500, will someone audit why there was a significant change to make sure no errors have been made?

The Hon. Z.L. BETTISON: One of the concerns raised by the Auditor is about the processes implemented to investigate potential over-claimed or overpaid rental subsidies, which goes to the heart of the housing occupancy issue. If people do not respond and we find that they have not declared people, we have the opportunity to revert to full rent. We often get referrals from rent assessment officers who have advised of an extra person or a significant increase in income. What we need to do, though, is review the functions of the compliance and collection team, which has been raised in the audit, and that review is scheduled for completion in early 2016.

We will develop a more efficient and targeted referral system, which will also include the consideration of risk assessment strategies to identify and prioritise cases for investigation. Tenancies rent has reverted to full rent due to failing or refusing to provide proof of income, and it prioritises low risk as they are already paying the market rent. I take it quite seriously. You may recall in the past that we had an amnesty and raised with people that they must declare who is there, and the onus is on them to do that.

I think one of the things we need to look at is not only the back pay but that someone might be able to leave. As you know, nearly 80 per cent of our tenants have ongoing leases. I think we should consider the fact that they may need to go back onto probation or a fixed term lease if they are not declaring. We need to look at the tools that are out there, increase our compliance, and then be far more serious about tenants making sure they contact us if there is a change to their occupancy or their income level.

Ms SANDERSON: For those who are paying full rent, who obviously can afford to pay full rent, is there any procedure or policy in place whereby you would approach them about going into the private rental market, given the 22,000 people on the waiting list?

The Hon. Z.L. BETTISON: Our strong belief in our welfare system is that when people need us we are there and they can come into our system. We then think that after they get their act together and are hopefully employed and doing things, they will go back out. The reality is that only 12 per cent of our tenants are on market rent. More than 80 per cent receive Centrelink income. Obviously we would like to see them transition out of that particularly if they have an ongoing lease and have an agreement with us to do so. One of the things that I would like to talk to them about is purchasing the home, and we have seen that happen in the past. They need to make that decision for themselves, about whether it is time to move on.

Ms SANDERSON: I refer to page 422, regarding PRA, that is, private rental assistance. Has a liquid assets test been implemented as part of the eligibility criteria for PRA assistance as indicated in the Auditor-General's Report, and, if it has not, when will it?

The Hon. Z.L. BETTISON: Obviously, when the Auditor looked at the private rental assistance scheme, he identified a few different issues. We are looking at the integrity of the property owners, the PropertyAssist database, the bonds claim by the landlord—we need to match that up—and also, as you have raised here, we are looking at a process to calculate a customer's capacity to contribute to part of a bond, and at this stage this is not routinely assessed or required by PRAP guidelines.

Obviously, there is an assessment to see what that person's income is, but what the auditor has proposed to us is we look at other assets that they have. The processes are underway to develop a new PRAP ICT system, and this will enhance our ability to address these issues. We want to use the PropertyAssist database to decrease the risk of fraudulent payments, and in January 2015 an audit was conducted to ensure service delivery staff have access to this database.

We currently have a 90-day project on housing assistance equity which will, amongst other objectives, look at the potential changes to the PRAP. As I have raised in the house before, we now see that the private rental support that we provide is equally as important and an equal part of Housing SA's work. We obviously have the more than 40,000 houses, but we also provide a significant amount of private rental assistance through bonds and rents in advance and rents in arrears.

Ms SANDERSON: Just following on from that, I know the Auditor-General referred to liquid assets, which would be bank accounts and any financial investments that can be easily turned into cash. Is there regularly a check of property? So, would real estate that would be registered be checked for eligibility?

The Hon. Z.L. BETTISON: In regard to the private rental assistance database, this is where we have identified that the customer service officers have not always consistently verified the integrity of property owners using the PropertyAssist database. That is something we have worked through with those customer service officers to make sure that that is implemented every time that we do that. The other area where we have done that is obviously for Housing SA tenants who obviously own property. We have gone through the PORT process looking at those people, approaching them to say, 'You know that your tenancy agreement states very clearly that you cannot be a private property owner.'

Obviously, we take into consideration at all times if this is an issue of domestic violence: is there an inability for that person to get that money? Often we support them or provide them with linkages to the legal advice that they can get to maybe take their name off that title, or to force the sale or a payout of that facility. We have taken this PORT quite seriously. The Property Ownership Review Team is looking at people, we remind people of their obligations, and we do an investigation into that.

Ms SANDERSON: What does the minister plan to do to stop tenants who continually lose their bonds under the PRAP system, and will you investigate limiting the number of times serial defaulters can abuse the system?

The Hon. Z.L. BETTISON: I have spoken about this publicly. First of all, I think we should be very clear: when we look at the top 10 people who have utilised multiple bonds, many of them have been escaping domestic violence or have severe mental health issues. What we have put in to support people there is a risk identification tool. So, when you come in for a bond (the private rental assistance), we go through with you what else is happening in your life and what you are doing there.

Some of the things with the bonds is you have someone who might to come to us who is experiencing homelessness or the verge of homelessness. We might support them with a bond to go into a caravan park initially, and then they might move to go into a boarding house that will also require a bond. Then they might be able to move into, as category 1, Housing SA, so then they are moving through the system. Obviously, they do not pay a bond to Housing SA, but if they move to community housing, they do.

We see now in debt that the debt for PRAP for non-tenants is higher than the debt for tenants, and this is a great concern of mine. I am doing a 90-day project looking at PRAP and the equity of PRAP but, at the same time, I am doing an internal assessment about debt within the department. That is looking at Housing SA tenants and non-tenants' debts, because people do have to pay back their bond if they fail it. At the moment, 70 per cent of people are paying back that bond, or I should say not paying it back but not actually having to use that bond up.

We are going through different scenarios. We are looking at why people have used those bonds. We want to verify from the landlord that there is an issue here, so we are taking this quite seriously. As far as putting a cap on it goes, at this stage, I am not prepared to say that because we

need to put the person at the heart of this. What is going on in their life? More importantly, does this person need not only wraparound services but perhaps to go into either community housing or the homelessness support housing, maybe even domestic violence, where we can have that intensive case management.

Dr McFETRIDGE: I refer to Auditor-General's Report Part B, page 74. You tempted me, minister. I was not going to ask questions on CASIS, but you tempted me, so I will just ask a couple here, then we will go on to the new system of COLIN. It says on page 74 that 'the total calculated value of overpayments was $1.39 million (GST exclusive)'. This was as at June 2015.

Can you advise the committee what the current level of overpayments were under CASIS and what you are doing to recover that money? There is $184,506 that has been recovered. You are getting some crown law advice, so can you tell the committee what that advice has said, without breaching legal privilege, obviously, what the current level of overpayments is and what you are doing to recover that?

The Hon. Z.L. BETTISON: We obviously spoke about this last year in relation to CASIS and the way it works. Currently, the records are held in CARTS (the concessions and rebate tracking system). The understanding was that CASIS would provide one entry and that would help resolve this issue.

I will go specifically to the overpayment in regard to energy. When we spoke, we had identified through the system 5,173 of 206,200 records that were provided by energy retailers. This is a shared issue with the energy retailers. They had provided concession without our verification, so this is a shared issue with them.

Dr McFetridge: So, it's their fault.

The Hon. Z.L. BETTISON: I am not saying it is their fault: it is a shared issue. The energy retailers wrote to people twice, and we went through a scenario where we identified some who were eligible and some who were ineligible. We can seek to do those calculated overpayments, and that is the $1.39 million that we look at. As you pointed out, $184,506 has been recovered, but when we extrapolate those who we know have been given the concession but, at this stage, the energy retailer has not provided us with the detail of when they started providing energy and how long they have had that concession provided to them, that is outstanding. Obviously, we endeavour through our data matching and what we have looked at—and we work with the Auditor-General's office to do this—to continue to seek out that money.

Dr McFETRIDGE: Minister, how much is out there now? Is it the $1.39 million or is it more than that? Has more been recovered? When do you expect to recover that money, or are you just going to write it off?

The Hon. Z.L. BETTISON: That is not my intention at all. At the moment, the calculated overpayment is $1.39 million and, obviously, $184,500 has been recovered but, with our extrapolation of those who we do not have the data for, up to $2.59 million could be recovered.

Dr McFETRIDGE: So, $2.6 million is out there, and we have got back $184,000. Moving on to the reconciliation of payments according to client records, it says at the bottom of page 74 that 'the Department undertook a manual reconciliation process to match payments to eligibility requirements'. Is that the 5,000 people or however many you said, minister, who were owing money?

The Hon. Z.L. BETTISON: In 2014-15 the Department for Communities and Social Inclusion undertook a manual reconciliation process to match the payments to eligibility requirements. During that year the department implemented a semi-automated reconciliation process undertaken on each payment invoice submitted to energy retailers. What this enables is reconciliation down to customer records held by the department and energy retailer records to verify eligibility and to identify any anomalies.

Payments to energy retailers are made on the basis of reconciling departmental records and energy retailer claims. This satisfies the concerns expressed by the Auditor-General in relation to energy retailers.

Dr McFETRIDGE: I have one last question before I hand back to the member for Adelaide. I refer to the Cost of Living Information System, COLIN—and let's hope that COLIN is a nice bloke because CASIS certainly turned out to be a disaster. The Cost of Living Information System does not seem to be getting that information out to constituents at the moment.

A lot of constituents have contacted my office because they are concerned that they will not be getting the Cost of Living Concession even though they have applied—and I understand that is quite an arduous form; there are pages and pages to fill out—but they have not heard back from the department and they cannot get through on the information line.

I understand that 140,000 initial constituents are on the list who are potential recipients. How many have applied, minister, how many have got cheques and how long will they have to wait before they get their cheques under COLIN?

The Hon. Z.L. BETTISON: We will get those details for you. Obviously, COLIN is a system and the Cost of Living Concession will provide the proof of concept for that business case to go forward. If we talk about COLC (Cost of Living Concession) we remind ourselves why it was necessary for the state government to step in here.

The federal government and Joe Hockey, the former treasurer, ripped up the national partnership on certain concessions—no discussion, no debate, $30 million. Obviously, you may recall that we ran quite a significant campaign asking for that money to be reinstated. That was not the case. Then we made a decision that we would support those low-income earners and pensioners in South Australia and that we would give them choice, and that is the Cost of Living Concession.

Now, more than 140,000 people received cheques at the end of September. Those people did not need to apply because they previously received the council rates concession. The people who have needed to apply are those people who may have changed property or who have now become a pensioner from that last year; and also, for the first time, we extended this support to tenants who received $100, but they had to apply and that had to happen by 31 October.

Now, 140,623 people have been paid by cheque already. We have also received 55,000 new applications to date. Home owners who were eligible are now being paid through EFT, but those who did not receive it is a very small percent, and tenants will be paid by electronic funds transfer by the end of March 2016.

Dr McFETRIDGE: Just to finish off, minister, I cannot let you get away with the Joe Hockey excuse because it was this government that failed to negotiate with the Rudd/Gillard governments for homelessness, palliative care and this concessions one. So, it was your Premier who failed to lock them in.

The CHAIR: Order! This is—

The Hon. J.M. Rankine interjecting:

Dr McFETRIDGE: What's this noise. There's some noise in the background there.

The CHAIR: Order!

Dr McFETRIDGE: This is what happened.

The CHAIR: Member for Morphett, this is my noise and I am asking you to get back to the question.

Dr McFETRIDGE: Thank you, I take your direction there, Chair. Minister, you have sent out 140,000 cheques and then you expect people to give you the detail after the fact. That sounds an unusual way of dealing with taxpayers' money?

The Hon. Z.L. BETTISON: Actually, 103,000 people have sent back this verification form. Let me go back. People who previously received the council rate concession were eligible for this cheque. They did not need to do anything, so we paid it to them. We paid it to an individual based on their eligibility as low income or as a pensioner and verified that through our system (usually through Centrelink, obviously), and someone who had previously received a concession. That is how we paid those 140,000 people with a cheque.

The verification is going forward because, obviously, it is more efficient and effective if we can do an electronic funds transfer, and we ask them for their details for that. We also ask them to sign a waiver for their privacy to be accepted, for us to deal with Centrelink. I do know that there is the belief out there that, because we are government, we can get information from any other government and also within our own state government without asking people, and that is not necessarily the case, and 103,000 people have sent back that verification form and that will enable us next year to do an electronic funds transfer of $200.

Ms SANDERSON: Is the $100 cost of living payment to renters included in the Housing SA income, and is it paid to Housing SA tenants?

The Hon. Z.L. BETTISON: In fact, the commonwealth government passed an amendment to the legislation to make sure that was not counted as income.

Ms SANDERSON: On page 426, regarding council rates, what is the minister doing to ensure that both council rates and water rates are authorised for payment before disbursement occurs? Apparently, the procedure was to be developed in the first quarter, which ended in September 2014 (I am just wondering if that has been done), and does that include water rate recovery?

The Hon. Z.L. BETTISON: I have been informed that minister Rau (Minister for Housing and Urban Development) is now responsible for council rates, so it is best to direct that question to him. With regard to water rates, can you reiterate your question?

Ms SANDERSON: It is regarding the calculation of the water rates, but I can go on further. Is there a checking system in place to notice large jumps in water bills which may indicate leaks or issues that should be investigated, or does the minister have to wait until enough people complain, as they have at Manitoba in Adelaide, where the water bills have doubled without anything being done about it?

The Hon. Z.L. BETTISON: Obviously, the issue raised by the Auditor-General related to controls for processing water rates expenditure and recovering water rates from tenants. As you may be aware, Housing SA is billed directly by SA Water, so we then pass that cost on to the tenants. Particularly in those areas of shared water meters, we pay the first 30 per cent. Obviously, we went through a process some time ago of putting in new water meters, and we continue to work with tenants.

If there is an issue at Manitoba, obviously I encourage the member to write to me, or those residents. They should be raising it through maintenance. If there is a water leak, usually you can see it physically. If there is not and there is a concern, we will always look into that when the situation has occurred previously. Particularly when we are dividing up the cost of water, I know that it can be quite controversial for people because there are different tenant cohorts living in homes: you might have one person in one unit and a family of four in the next unit. It is an area of concern. We do our best, by paying the first 30 per cent, to ensure that those people are paying the minimum amount.

Ms SANDERSON: Just to let the minister know, we have written to your office regarding the issues at Manitoba, and I calculated for the 42 units that it would be the equivalent of $10,000 worth of water in three months, and I would have thought anyone paying the accounts would have noticed that would be quite obviously an error and worthy of being looked into.

The Hon. Z.L. BETTISON: I am happy to take that on notice and come back to you. Obviously, I am not a water expert—I pay my own water bill, obviously—but that does sound high. My concern would be how that is divided up and perhaps what other locations are nearby, and that is the issue there. I will take that on notice.

Ms SANDERSON: On page 429, has it always been a condition that Housing SA tenants do not own property and, if not, when did it become policy?

The Hon. Z.L. BETTISON: It is my understanding that this has been a longstanding part of the condition of tenancy. Obviously, our property ownership review team is looking at much more detail and going through and investigating the issues there. I do not know if there was a certain time when that began for property ownership.

We have a range of controls, including checking SAILIS (the South Australian Integrated Land Information System), which is property records, and we look at that at various customer contact points; the requirement that tenants sign a declaration regarding any properties owned; and, also, we send a reminder to tenants of their obligations on rent letters and in household occupancy survey forms.

Ms SANDERSON: Given that this has been a longstanding policy, why has it taken 13 years for the government to take action on this?

The Hon. Z.L. BETTISON: I have been the minister for 18 months. In my time, the Property Ownership Review Team has been established, and we take it very seriously. I think we have investigated more than 300 different situations; I think maybe 15 people have now departed, and three are about to. Obviously, we give people the chance to explain: why is this something they have not raised before; are there extenuating circumstances as to why they have not declared this; and what are their options to go forward? But I do not have that date as to when it was implemented.

Ms SANDERSON: For the 22 already identified as not eligible, how many of these were paying below market rent, and will they be required to pay back all of the rent subsidies they received whilst in breach?

The Hon. Z.L. BETTISON: I do not have that detail with me; I will have to take that on notice.

Ms SANDERSON: Page 429—Information and communications technology and control. Given Housing SA has identified that the mainframe technology tools supporting Housing SA's key systems will not be commercially supported beyond December 2015, what is the minister doing about this, and how much money has been allocated?

The Hon. Z.L. BETTISON: With the division of Housing SA and responsibilities, minister Rau now takes carriage of this area.

Ms SANDERSON: Back to 422, then, regarding the PRAP system, what is the total loss of bonds and the total number of bonds lost to tenant defaults on private rentals? Not those just moving to another home where they get the bond back and then they re-use the bond somewhere else, but those who have lost the bond.

The Hon. Z.L. BETTISON: Member for Adelaide, you were asking how many?

Ms SANDERSON: How many, and what that value is—the value of them.

The Hon. Z.L. BETTISON: My understanding, in the latest advice I have, is that 70 per cent have their full bond at the moment. We have worked quite well to bring that up. Of that 30 per cent, it is not likely that it is the whole bond that was taken; it might be a part bond. I do not have those figures in front of me, so we will have to come back to you with that.

Dr McFETRIDGE: On the same reference as the member for Adelaide has been using: minister, with the cost of maintaining Housing Trust houses escalating and the various contractors that are being used by the government to maintain these houses, is there an obligation on those contractors to notify of any concerns with child welfare, families in distress, or cases of houses being trashed? Are they followed up? How many reports have you had in the last 12 months?

The Hon. Z.L. BETTISON: Obviously there is reference to the multi-trade contractors in the Auditor-General's Report, but not on this specific issue. Whenever any person enters a Housing SA property and they are a contractor of ours, that is something we take on notice and of concern. We have been part of the Multi Agency Protection Service (MAPS), and we have had a particular focus on those under five.

Our concern is that, once a child enters a school system, they tend to be seen by other people, but often children under five—we would expect that a multi-trade contractor, upon seeing there were issues in the home, would report that. My understanding is that is something that is part of our contract with them, but I will have to get you the details.

The CHAIR: We have run out of time. That concludes the examination of the Auditor-General's Report. Thank you, everyone.

Bills

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL

Committee Stage

In committee (resumed on motion).

Clause 64.

Mr DULUK: The question concerns significant trees, which clause 64 deals with. Attorney, will the requirements of significant trees under this new design code exclude trees on land used for primary production?

The Hon. J.R. RAU: I am advised there is no change from the present arrangements with respect to significant trees, so the answer to that is whatever the answer is presently.

Mr DULUK: That is very clear. At the moment, significant trees are covered under the development regulations, and there is a whole heap of exclusions. You are saying that what is excluded at the moment will stay going forward?

The CHAIR: That is two questions.

Mr DULUK: That is one and a clarification.

The CHAIR: All right, I will think about that.

Mr DULUK: Just for the benefit of my constituent I may as well put it all on the record because, Attorney, she will not believe you. At the moment, there are trees which have been planted on land used for primary production and subsequently, for some reason, have become prescribed as significant trees—which may happen. Will farmers now require approval to remove those trees if a tree were deemed significant and, if they were, will the farmer be required to contribute to the tree fund as a condition of their removal as they are required under the current rules?

The Hon. J.R. RAU: Again, the answer is that nothing is going to change from what would happen now, so your constituent should ring her friendly solicitor and ask what the story is or speak to the council, or whatever it might be. This is not going to change that arrangement. To be more particular, it depends on the genus of the tree and a whole bunch of things—seriously, it does—the species of the tree, not just genus but species which includes genus. There are 22 species and all of them have a genus as well.

The CHAIR: I think the answer to the question is that nothing has changed.

The Hon. J.R. RAU: The other point is—I come back to it again—nothing has changed and at the moment, as will be the case in the future, eventually trees get to a certain dimension at which point they become captured by the regulations, but when they are captured and at what size is a matter which is determined in part, at least, by the species of the tree.

Mr DULUK: Currently, there are 23 trees listed as significant species, is that correct?

The Hon. J.R. RAU: Regulated trees.

Mr DULUK: If it were to become 25 and the extra three were on a farming property and then deemed significant then yes, this act would apply to it, would it not?

The Hon. J.R. RAU: There are 22 which are deemed 'regulated trees'—that is the terminology. The intention is that that 22 would migrate across and this, by itself, will not do anything. If at some future time a future minister was brave enough to dive back into the world of significant trees and start fiddling with that, then obviously there would potentially be a change. But that is the case right now.

Mr PEDERICK: In regard to clause 64 and significant trees, you may have to remind me what can or cannot be done at the moment in regard to planning and development around significant trees. I suppose I refer to the commercial development of Burnside Village, where I think it approached the millions that were spent in containing a tree and trying to work through a plan to have the development but also have the tree, which has now left a nice building with a bit of a see-through roof at the top, a flow-through roof, and a stump.

Mr Gardner: Arboreal husbandry.

Mr PEDERICK: Arboreal husbandry, the member for Morialta says. Apart from some planning consultants and probably a heap of lawyers and a few—give me that word again.

Mr Gardner: Arboreal husbandry—arborists.

Mr PEDERICK: Arborists will do—I think a lot of people have made a lot of money out of this stump. I just wonder in what reality in the real world that will take place and what provisions there are, or will there be, under this clause, the ability for people to, if they need to, shift just one significant tree, and I use the example of Burnside?

The Hon. J.R. RAU: A couple of things about Burnside. First of all, as I understand it the people who did that, as part of their concept, wanted that thing to be there and it was part of their vision for what the place would be like. We can judge whether or not that vision was wise. I come back to the point that the rules, as they presently stand, are not being disturbed by this because, quite frankly, as the member for Hammond might recall, every time we have a conversation about significant trees it goes on for a significant period of time. So, we are not disturbing that pond, we are leaving it alone, we are just moving it from the old to the new and then in due course if we need to have a conversation about what those rules are that is a separate piece of work, but we are not re-agitating that.

Clause passed.

Clause 65.

Mr GRIFFITHS: I am fully in agreement with design standards being created but I suppose I am asking: is there going to be the opportunity for flexibility? Two examples were given to me, one by the URA and the Property Council about where an alternative solution might be created and if that is able to be used and, from the local government perspective, where some of the development plans have design codes within them, design standards, will they be removed completely or will they hold precedence over what could be created here?

The Hon. J.R. RAU: As to the alternative solution question, the answer is that it is performance based, so yes, that is the whole idea of having performance based stuff. The second thing is, these are pretty high level propositions. As I said before, an example might be that a development must relate in a sympathetic way with the environment in which the development is occurring. So, they are not intended to be prescriptive and you may well find additional design requirements in the zone or the code (I call it a zone because that is what we use now). These are very high level principles.

Clause passed.

Clause 66 passed.

Clause 67.

Mr GRIFFITHS: I am seeking clarification on behalf of the Local Government Association about paragraph (e) and I pose the question: does that clause mean that the minister, the commissioner, chief executive or another specified body could unilaterally decide that the planning design code will not be applied to a particular development, because it talks about being dispensed with?

The Hon. J.R. RAU: I am advised that this is a straight transposition of the existing law and so it changes nothing in that respect. A number of the questions that the member for Goyder has been asked to ask on behalf of others are actually questions to which the others should know the answer because they are already in the law. That is not a criticism of the member for Goyder at all; I realise he is just doing his duty, but I am told that is nothing more or less than a transposition of the existing provision.

Clause passed.

Clause 68.

Mr GRIFFITHS: There are a few areas under clause 68—Status, where I have some questions. The first subclause refers to 'and does not affect rights and liabilities'. I presume that a state planning policy would have that impact.

The Hon. J.R. RAU: This is one of those points where we are starting to have the same conversation we had before—again, no criticism of the member for Goyder. Remember, before lunch we talked about this not including this. This is a preservation of existing rights provision; it is the same intent.

Mr GRIFFITHS: Subclause (2) starts off with 'no action' and then talks about 'that is inconsistent'—that this is identical.

The Hon. J.R. RAU: Yes.

Mr GRIFFITHS: In subclause (3) it states:

The Planning and Design Code…is a public document of which a court or tribunal will take judicial notice, without formal proof of its contents.

I am not sure how a court can take notice of a document without knowing the formal proof of its contents.

The Hon. J.R. RAU: Subclause (3) deals with the situation that is presently called development plans and subclauses (1) and (2) deal with planning policy which is the higher level. In effect, it is replicating the existing thing but changing the names to take into account the new names in the new act.

The CHAIR: But your question is: how can a court take notice without formal proof and if it is the same as it always was, what is the—

Mr GRIFFITHS: I will have to accept the answer then.

Mr PEDERICK: I refer to clause 68—Status, and subclause (1) which states:

A state planning policy or regional plan is an expression of policy formed after consultation within government and within the community and does not affect rights and liabilities (whether of a substantive, procedural or other nature).

Is the proposed environment and food production area, as part of a regional plan, part of that subclause?

The Hon. J.R. RAU: No; these are regional plans. The food production zone is a completely separate piece of the legislation. I think we explored all of the things that that does and does not do before lunch, but this does not have any work to do in that space.

Clause passed.

Clause 69.

The Hon. J.R. RAU: I move:

Amendment No 18 [Planning–1]—

Page 56, after line 17—Insert:

(via) a scheme coordinator appointed under Part 13 Division 1; or

Mr GRIFFITHS: I have questions on a couple of different areas. In relation to subclause (7), I have been asked about whether it is possible to insert the words 'and publish that report on the planning portal'. The first line talks about preparing a report with a practice direction.

The Hon. J.R. RAU: Yes, I am happy to look at that between the houses. It does not sound to me to be a problem but we will check if there is some reason that I do not know of why we could not do that. It does sound reasonable.

Mr GRIFFITHS: The Local Government Association has asked about the involvement of the local government in the preparation of statutory instruments. Is that a possibility also, because you have been quite supportive in other areas?

The Hon. J.R. RAU: They are already included in subclause (2)(c)(v).

Mr GRIFFITHS: On (2)(c)(vii), the Master Builders seek confirmation that developers might avail themselves of that clause for large-scale developments either before or after a subdivision.

The Hon. J.R. RAU: Subclause (2)(c)(vii); is that right?

Mr GRIFFITHS: Yes.

The Hon. J.R. RAU: I am advised that from a practical point of view, because such an instrument is prospective in its operation, it would be sensible to do that before land had been subdivided. Conceivably, it might be done afterwards, but it is difficult to see how that would be of great value.

Mr GRIFFITHS: I suppose I do consider that it is possible that they might want to know about the flexibility that exists before they go ahead with the purchase of the land, and that is why before the subdivision.

The Hon. J.R. RAU: Yes, they would have that flexibility.

Amendment carried; clause as amended passed.

Clause 70.

Mr GRIFFITHS: On parliamentary scrutiny, would the minister like to put on the record just for a minute or so the differences and how this parliamentary scrutiny will change as a result of this being in place?

The Hon. J.R. RAU: First of all, the parliamentary scrutiny provision (clause 70) we will see in other places through the bill, so this is a good time to ask members to assume that in the future when the same thing pops up this is the response. The ERD Committee will have an expanded role in scrutinising planning instruments. Presently, the committee only considers DPAs, but under the new planning system it will also have a role in considering state planning policies, regional plans, the planning and design code and design standards.

Moreover, the new provisions will encourage the minister to engage with the committee before promulgating instruments on the basis that early engagement and agreement should remove the need for latest scrutiny and disallowance. This addresses the concern that the current process makes the parliamentary scrutiny process a bit of an afterthought. In addition, changes to the boundaries of an environment and food production area in Greater Adelaide will require parliamentary consent.

Over the time I have been here, I have spoken to many members on both sides who have been members of the ERD Committee. They have indicated to me that their role to some extent is perceived to be a bit perfunctory and superficial. What we are trying to do here is actually increase the role of the parliament as a scrutiniser of the actions of the executive government. That increased scrutiny occurs in respect of the food production area.

Preparatory to that occurring, rather than the parliament have a minister of the day bring stuff in here cold, so to speak, it is envisaged that there would be early engagement with the ERD Committee so that any wrinkles in that could be discussed as a parliamentary standing committee, and then the information that needed to be shared with the committee could be shared at committee level and the committee could then provide a report to the parliament which would hopefully assist members in making a decision.

Mr GRIFFITHS: I appreciate the details provided by the minister, and it is how I understood it to be. Is it still a possibility for a minority report to be prepared by several members of the committee?

The Hon. J.R. RAU: That is governed by the Parliamentary Committees Act and, as I understand it, the answer to that is yes.

Clause passed.

Sitting suspended from 18:00 to 19:30.

Clause 71.

Mr GRIFFITHS: I am just looking for confirmation about the level of consultation that will take place on complying changes to the planning and design code. I know that, when a development plan amendment occurs, consultation occurs hopefully with property owners who are aware that they are going to be impacted by that, but this does not specifically refer back to the charter of community engagement, but it does talk about the fact that the minister may initiate or agree to it. Is there also a position—I am trying to stretch it out—whereby there is engagement with the community who might be impacted by the changes takes place?

The Hon. J.R. RAU: Yes, but can I just explain how this would work. The planning code is what is sometimes referred to as a planning library. I am looking for an analogy, but it is a bit like the alphabet. You make words out of the alphabet, so the planning library is like the planning alphabet, if you like. Are you with me so far? That means that, whilst there would obviously be some consultation around the alphabet, what people are more interested in is which bits of the alphabet are going to be applied to their community. So, the charter refers in particular to which elements in the planning library (or in the planning alphabet) would go to cover what community and what subzones or other nuances would be necessary for that community.

The focus of the conversation is which one of these utility policies is best for my community, but the formulation of the policies is something we would consult on, but it is a higher level because they are intended to be of general application. For example, you might have a policy which describes 'commercial precinct'—I am just making one up. A commercial precinct should be basically the same thing whether it is in Mount Gambier, Onkaparinga or wherever it is. The question for the local community is: do we want this part of our community to be called a commercial precinct and, if we do, what overlays are necessary to be added to that in order to make it particularly relevant to us?

Clause passed.

Clause 72.

The Hon. J.R. RAU: I move:

Amendment No 19 [Planning–1]—

Page 60, after line 35—Insert:

(ba) in order to provide consistency between the designated instrument and subsection (3) of section 7 after a notice under subsection (5) of that section has taken effect in accordance with that section; or

The CHAIR: Any questions on the amendment?

Mr GRIFFITHS: Just the reason for this one, because it does refer to a lot of the subclauses underneath it, but I am just interested as to where this one came from.

The Hon. J.R. RAU: This is a consequential amendment to say that if at a future time the environment and food production area is changed by the parliament, then there is a power to make consequential amendments elsewhere to accommodate that.

Amendment carried; clause as amended passed.

Clause 73.

Mr GRIFFITHS: This is about early commencement, and I consider this to be same as ministerial DPAs and authorisation immediately, 12-month consultation period, review at that time, so it is similar to that. It has been put to me, and questioned by the Local Government Association, because the majority of concern is around where this provision would be used and it allows a high level of development to occur. The suggestion from the LGA is that it would decrease development opportunities within that site, not increase them. Can the minister outline in what way this would be used?

The Hon. J.R. RAU: This is, in effect, what is now an interim DPA, so the terminology has changed but that is it. Just as a matter of interest, at the moment, in the period between 2005 and 2013, the prime reasons for the use of interim DPAs were 34 per cent to protect heritage items, 14 per cent to protect coastal land and two-thirds of DPAs using interim operation are initiated by councils.

Mr GRIFFITHS: Minister, I suppose the reason I asked the question is I am aware of an interim DPA that you brought in in regard to wind farm applications in, I believe, October 2011 or thereabouts, which most would perceive was for a higher use of the land. Was that a bit of an unusual example of it, given the response you have just given?

The Hon. J.R. RAU: Yes, it was because, at that point in time—and it continues to be the case—the government had a strong commitment to green energy, and the perception at that point in time was that there was a market opportunity for South Australia to attract investment from green energy producers. There was a sense that timeliness was going to attract that investment and that is why it was done in that way but that is not common. The other point is that, I am advised, with the new planning and design code there would be even less likelihood that such an instrument would be necessary.

Clause passed.

Clauses 74 and 75 passed.

Clause 76.

Mr GRIFFITHS: This one has a couple of different areas. There are some groups who have contacted me who are concerned about the minister being a relevant authority. Their preference would be for the political sphere to be taken out of it and it to be the planning commission or as you have there, but that is the position the minister has taken so I understand that is not likely to change. There has been though a question about the local assessment panel under subclause (e)(iii). I am not sure if there are two opportunities for that to be appointed: one by a council and one by a minister?

The Hon. J.R. RAU: There are two points. Firstly, as to the second point, the use of that term 'local assessment panel' is a drafting artefact to avoid using other terms which have a specific meaning and not confusing that. What is meant to be captured by that is a panel which has been constituted by a local government entity which for whatever reason has become dysfunctional and a need is determined for that to be replaced; that is what we are talking about here.

As to the earlier point about why the minister is a relevant authority, the way I look at it is this is an overall proposition as far as this bill is concerned. We are trying to invite the parliament more actively into the process of being engaged with planning through the ERD Committee and the parliament itself.

But, ultimately, somebody must be accountable to the parliament for the ultimate behaviour of the whole edifice, and that must be the minister. If the minister is going to be accountable, the minister must ultimately be in a position where the minister can exercise decision-making powers, otherwise you have this notion where the minister is accountable for what goes on but cannot influence what goes on and the body that is doing the thing is an unelected body, albeit a well-selected body, one would hope but, nonetheless, unelected. So there is no elected accountability for that.

That is the reason for the view that you would see throughout here, that the minister is there because ultimately the minister is answerable to this place and to the general public for what goes on there.

Mr GRIFFITHS: I seek some clarification on that. Above that, I believe it says in paragraph (d)(ii):

> if a local assessment panel has been constituted by the Minister in substitution for an assessment panel appointed by the council;

I presume that is on the basis that the minister has dismissed the local assessment panel.

The Hon. J.R. RAU: Correct.

Mr GRIFFITHS: It seems to me that the minister then appoints a replacement. Why is it not that the council is again given the opportunity to review the membership and determine who the replacement should be?

The Hon. J.R. RAU: Obviously, the minister of the day should talk about it to the council concerned, but there is a range of possibilities here: one is that the individuals who are on the panel

have gone off the reservation in some fashion and that requires it, and another is that the whole council itself has become dysfunctional, for whatever reason, and they are not going to be of much assistance.

I would have thought in the ordinary course it would be courteous, if nothing else, to at least seek the views of the council. But to get to that point we are talking about a fairly extreme set of circumstances. It is dealt with further on, I am told, in more detail in clause 78.

Mr GRIFFITHS: It is interesting that you say it would be a 'courteous' thing to do, to consult with the council on that. It is a possibility that future ministers for planning might not have the same respect for local government that you have, minister. Should it, indeed, be in the legislation?

The Hon. J.R. RAU: Clause 78(1)(d) states that the minister may constitute a panel—and that would include reconstitute—'after undertaking such investigations as the Minister thinks fit and consulting with the relevant council'.

Clause passed.

Clause 77.

Mr GRIFFITHS: Clause 77(1)(d) says:

a person who is a member of the Parliament of the State or a member of a council is not eligible to be appointed as a member of an assessment panel;

Minister, you were talking to me about contemplation of an amendment to your own legislation about a time limit being in place.

The Hon. J.R. RAU: Yes. I am of the view that it would be, or has been in the last couple of years, quite frankly, a reasonable addition to that, but I think we can probably deal with that by regulation or in the code of conduct. If, generally speaking, the member is asking me whether that is my view, the answer is yes. If the preference would be that it is dealt with in here, I can arrange for a suitable amendment to be formulated between the houses. I do regard that as important.

Mr GRIFFITHS: I actually proposed that to you because it was words that you expressed to me. That is why the suggestion was made. Indeed, my preferred position is for that clause not to be there. The Local Government Association has a very different position from the minister on this. Because, I think it is since 2007, the independent structure of CDAPs and the independent chair and the remaining members have been shared, the feedback I have received is that that system has worked well.

The Hon. J.R. Rau: Well, they would say that.

Mr GRIFFITHS: True. Why has the minister taken this tack to remove council members from this panel?

The Hon. J.R. RAU: It was an overwhelming message coming back to the expert panel, and it—

Ms Chapman: Not from the elected members.

The Hon. J.R. RAU: From everybody except some elected members, because interestingly enough—and I will not name them because it would embarrass them—I have had some elected members come to me and say, 'Thank goodness you're doing that because it's a terrible conflict for us to be in, but—'

Ms Chapman interjecting:

The Hon. J.R. RAU: '—we know it is a little bit unpopular for us to say that amongst our peers, so we are just saying it to you quietly.' It was—

Ms Chapman interjecting:

The CHAIR: Member for Bragg, please!

The Hon. J.R. RAU: It came through loud and clear through the expert panel and all of the consultation I have had with industry; indeed, I have consulted with Commissioner Lander about this

as well and, if I recall, although I do not want to put words in his mouth, he sees some merit in this as well. I think this is fundamentally important, and I would invite the member for Goyder, between the houses, to speak to industry groups and ask their opinion as to what they think about this. Again, I cannot put words in their mouth, but I can tell you that if the whole of this bill did not exist they would love to have that bit.

The CHAIR: The member for Goyder's last question.

Mr GRIFFITHS: Minister, I do acknowledge that that would be the position of one side of the equation that has spoken to me about this. I do understand that because of the fact that elected members of council who are a part of a CDAP could not be lobbied on any application before the CDAP as it might place them in some compromising situations sometimes to explain that to people who come to them, but I am a bit perturbed to hear that there are people who wish they were not part of it. They do not have to be; they are nominated by their council, and they would have had to stand as a volunteer to go on that in the first place. I respect the fact that we cannot change it now.

The CHAIR: No further questions on 77?

Mr GRIFFITHS: Sorry, I did have a further clarification.

The CHAIR: You have had three, but this will be a supplementary to your third.

Mr GRIFFITHS: Thank you very much, Chair. The development lobby group has questioned me about the make-up of the skill set and experience of panel members and if there is an opportunity to consider the similar types of qualifications and experience that you have for the state planning commission. They would be rather difficult to attract; I do respect that, but I do see that these panel members you envisage creating will actually need some good skills.

The Hon. J.R. RAU: Ultimately, the skill mix is a matter for the minister, although they all must be accredited people. For example, if we are picking planners, they have to be people who are accredited by their appropriate body and suchlike. I was anxious to avoid here, as I am everywhere else where it comes in front of me, the sin of the representative board, which is one of the sins I have been attempting to eradicate from legislation as best I can; that is, the notion that you somehow get wisdom by making sure you have a butcher, a baker and a candlestick maker, instead of saying that you actually have some skill-orientated thing.

I am happy to talk to the member for Goyder, but if you look at clause 79 you would see that if they do not have, as a part of their core complement, an appropriate skill set for whatever it is they are particularly doing, they have the capacity to co-opt people.

Mr GRIFFITHS: This is a rather interesting area, Chair.

The CHAIR: The Chair is being really patient. This is your last question on this clause.

Mr GRIFFITHS: I do respect that. I see this group as being a vital one and I am interested in the process of how the selection of people will take place, minister, to be appointed to these panels and what you envisage as the particular skill sets or experience that you will be seeking to attract.

The Hon. J.R. RAU: It is not intended here that the minister of the day would be selecting every person for every one of these panels. The actual selection of the people, all things being well, could be done by the relevant council, but they would be selecting people with accreditation and a particular skill set.

Mr Griffiths interjecting:

The Hon. J.R. RAU: No—from an accreditation scheme so, I suppose, in the broad, but the minister would not be saying, 'Council X, you will have the following people.' It would be saying, 'Look, these are the people who have the appropriate sort of skill sets. You can approach them and engage whomever you see fit.'

Ms CHAPMAN: The appointment of the panels—whether it is by the joint planning boards of councils or later in section 78 when it is done by the minister of the day—sets out the parameters for which there are certain responsibilities; obviously conflicts of interest that are undisclosed attract serious penalties and the like, and I understand all that. However, one of the claimed defects of the

local government system, apart from the alleged influence that apparently elected members are under, is the burden and the weight of trying to acquiesce to the wants of their local constituents as a justification for moving to panels and, in addition to that, is the reasonable complaint that at times some councils do not advance developments in a timely manner.

Indeed, they do not make a decision at all, and they are sent back to answer frivolous inquiry and provide extra detail which, frankly, could all have been dealt with if it was properly assessed and reasonably considered at the time. The applicant could then—whether they are a person who is proposing a development or someone who is wishing to raise some objection—advance the progress of the application: either to be accepted or rejected or obviously identify with conditions. That is a frequent complaint that probably many of us, as local members, would receive.

It is not unreasonable that the government would want to remedy that but I do not see anything in the obligations here of the new panel members who are going to be appointed to assume responsibility for some of these applications as to what instrument of enticement or discipline is going to be exercised over them to do the right thing and what time process they are obliged to do it. When will the default kick in? I see that there are no cost orders being dealt with at this point. There is no change to the environment court to be able to say that costs should follow the cause of frivolous applications or opposition—which I am very disappointed about; I raise it every time we deal with this but—

The Hon. J.R. Rau: Can I answer the question?

Ms CHAPMAN: I just want to know where the powers are, what the impediment will be, what the disciplinary tool will be to ensure that these panels are going to be any more diligent in their timely application of these processes.

The Hon. J.R. RAU: In reverse order: in terms of penalties and so forth for misbehaviour, go to schedule 3 which is the codes of conduct.

Ms Chapman: Sorry, schedule 3 at page?

The Hon. J.R. RAU: Page 191. In respect of the other two matters, have a look at section 112, which we will come to shortly, which is on page 91, and section 118 which is on page 97. I think those provisions—which we will come to in a moment—are the provisions which add the sticks, if you like, that the member is asking about.

Parliamentary Procedure

VISITORS

The CHAIR: I would like to acknowledge that earlier this evening the gallery had a group of principals and governing chairs, who were the guests of the member for Light, and I acknowledge their important work in education in the community.

Bills

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL

Committee Stage

Debate resumed.

Ms CHAPMAN: So I am on page 192 where the—

The CHAIR: Hang on a sec.

The Hon. J.R. RAU: I am just telling you that when we get there, I will be able to answer these questions. I am just saying that I do have answers but can we please just work our way through.

The CHAIR: Member for Bragg, we must stick to what we have. Do you have another question on clause 77?

Ms CHAPMAN: Well, I do not.

The CHAIR: Okay; we will move on.

Ms CHAPMAN: If the three areas that have been identified by the minister—I will just ask one of his staff to write down those four—

The CHAIR: I am sure they have already.

Ms CHAPMAN: —so that we can follow them in the debate.

The CHAIR: I am sure they have.

Ms CHAPMAN: Otherwise I will ask more on this clause.

The CHAIR: Well, you only have one more question.

The Hon. J.R. RAU: 191, 91, 97.

The CHAIR: Okay? You're writing them down, too, now, so no-one can make a mistake.

Clause passed.

Clause 78.

Mr GRIFFITHS: I am just looking for clarification. The possibility has been put to me that a panel appointed by a council is limited to five members, but that number of members does not apply to a panel appointed by the minister. Is that correct?

The Hon. J.R. RAU: Yes.

Mr GRIFFITHS: The obvious question becomes: why, then, minister?

The Hon. J.R. RAU: It is to do with the fact that when you are dealing with the state level panels you are going to have more matters, more complex matters, so it is advantageous to have more flexibility about that.

Mr GRIFFITHS: Subclause (1)(c)(ii)(A) and (B) provide that a minister may constitute a regional assessment panel if two or more councils ask for it or if the minister has consulted with the councils, but presumably if they have said no and decide to go ahead with it anyway. Is that the intent, and if so, why?

The Hon. J.R. RAU: Yes, it is. The preferred position would be that obviously this be done by invitation from the affected councils, but there may be circumstances—and I am not even going to speculate on what they might be—where it is in the interests of the development of a region that, in spite of the lack of cooperation between the two councils, it is appropriate for there to be a regional planning authority. Again, I am very loath to point fingers at particular councils, but can I say this in general terms: it is not unknown for adjoining councils to be quite hostile and antipathetic towards each other and lack cooperation, so much so—again, without pointing fingers anywhere—that a change in membership of the council at a council election sees an outbreak of sunshine and bonhomie between the two adjoining councils which previously did not exist.

Mr Griffiths interjecting:

The Hon. J.R. RAU: Indeed; from my point of view, this would be in extreme circumstances where a regional development was being impeded by a lack of some sort of coordinated regional thing and it was absolutely critical that something be done. I do not see that as being the norm. I frankly do not think we are expecting a lot of these things to pop up very quickly, but I can tell you about an example of where it might occur presently.

In the South-East, for example, we have a group called SELGA, who I think presently are getting on very well, although they have not always necessarily got on very well, but I think at the moment they are getting on very well, and they might conceivably come to us and say, 'Look, we're so happy in one another's company, given that we are in fact a region and that the division between Mount Gambier and Mount Schank, or whatever it might be, is rather arbitrary in terms of the line on the map, it would make sense for us to be coordinated in what we did.'

Clause passed.

Clause 79.

Mr GRIFFITHS: Minister, this is where you have the opportunity to appoint additional panel members and presumably for a short time, and I presume it is based on a particular application that is being considered by the panel. Is it envisaged that it would be limited to that time only and is there a cost? Presumably, there is a cost associated with that because they would bring particular expertise. Is that met from some form of additional budget?

The Hon. J.R. RAU: The cost would be met by the appointing authority, whoever that might be.

Mr GRIFFITHS: I missed that. What was that?

The Hon. J.R. RAU: The appointing authority would bear the cost, whoever that appointing authority might be, which might be the minister.

Clause passed.

Clause 80.

Mr GRIFFITHS: When it comes to assessment managers, is it one assessment manager per panel or can it be more? Or does 'managers' mean exactly that?

The Hon. J.R. RAU: There must be at least one, but it could be that council A has the same person as council B. It is just that there has to be one.

Clause passed.

Clause 81.

Ms CHAPMAN: Division 4 provides for accredited professionals. Does this include any provision for accreditation of private certifiers of developments?

The Hon. J.R. RAU: Yes.

Ms CHAPMAN: Could you just take me through concisely as to how that would work for private certifiers? Is there to be some kind of party that approves what is the standard for who would qualify, who is to appoint or dismiss them or allow them to trade? Is there a registration procedure? How does it work?

The Hon. J.R. RAU: The scheme would be established by the government but the government might, for example, say that a person who is a member of the Australasian institute of engineers or a fellow of the Australian Institute of Architects, or whatever the case might be, is a person with the appropriate accreditation.

Ms CHAPMAN: I am just struggling to find where the rules are about who can be appointed, other than the fact that you allow for them under regulations made on the recommendation of the minister acting in association with the Commissioner for Consumer Affairs. I assume that is the Minister for Planning with the consumer affairs commissioner, which is really the chief executive of that entity. I assume from that that you might consult or take such advice as you might see fit as minister, but ultimately you make the determination; you set the rules about who gets in and who gets out and what the terms are. Have they been written yet, as to who would be a private certifier?

The Hon. J.R. RAU: No. This is one of the things that—

Ms Chapman: This is the shell of this arrangement.

The Hon. J.R. RAU: Correct.

Ms CHAPMAN: Is there any proposed fee that will be attached to—apart from all these penalties; I am not talking about those—how this is going to work? Is it going to be like medical practitioners or many other professionals who are required to be registered: they pay an annual fee, they are gazetted each year, there is a separate gazetting if they are struck off, etc.? Is that the type of process?

The Hon. J.R. RAU: I am advised that under the regulation-making power there would be a capacity to charge a fee for that process of being accredited. I am just going to find out exactly where that is. It is in the schedule dealing with regulations: schedule 5, I am told.

Ms CHAPMAN: Schedule 5—Regulations, page 195. I will deal with it then.

Mr GRIFFITHS: Local government and some practitioners that I have spoken to have concerns about private certifiers and the connectivity that exists and that it might create some dilemmas. Is there an opportunity for local government to be involved in the drafting of the regulations about private certifiers?

The Hon. J.R. RAU: Again, I am very happy to talk to them. The only point I would make though is that, if you have a look at the report from the expert panel, you would see that the reason why we have been moving towards private certification is to deal with the very problem the member for Bragg was addressing a while ago in her question about frustrations with delays and other things, where some local government agencies have become bottlenecks; and because they are the only bottleneck through which the application may pass, there is no alternative to the proponent other than to negotiate that bottleneck, no matter how unreasonable it might be. That is the historical context in which this whole notion of private certification has come up.

Ultimately, there is no obligation on a consumer to utilise a private certifier's services, and if the particular local government agency is nimble on its feet and provides a good service to its customers, I would expect that people would not need to have recourse to private certification, but in cases where people are meeting unreasonable frustration, we are providing an alternative method by which they can proceed with a project.

Mr GRIFFITHS: I can, indeed, quote a great example. The District Council of the Copper Coast has a five-day turnaround on category 1 developments and that should be pursued by all councils to ensure that that occurs. I understand from a building rules consent that private certifiers being involved is far more easier to manage, but it is from the feedback I have had from officers in particular about the planning rules and the local knowledge that is sometimes required about issues, not just on the property on which an application might be lodged but surrounding it also, that might impact upon it, that that is where the desire is to ensure that some local perspective is taken into account.

The Hon. J.R. RAU: Yes, I know, but part of the reason for that is we are now dealing with this arcane body of knowledge which is buried in 22,000 pages of planning material. Once that is condensed down to 30 or 40 basic building blocks, the argument about that proposal diminishes significantly. Let's bear in mind that—again this comes directly from the expert panel—at the moment 90 per cent of these applications are being merit assessed, whereas if you compare that to Western Australia, for instance, 10 per cent or less are being merit assessed.

So if you combine the two propositions I have just put—a system which is moving increasingly away from individual merit assessment and you add in the fact that you are moving from 22,000 pages of incomprehensible, arcane material to a universal planning library of 30 or 40 building blocks—I think the point that you raise, to the extent that it had any traction—and with respect to those who suggested that to you, I do not think it had a lot of traction, but it may have had some—that has been, if not removed, enormously diminished.

Mr GRIFFITHS: I just want to take up the point about the 22,000 pages of arcane development plan pages that are out there. The point from the member for Bragg is that 90 per cent of it—and it must be that at least—is common words, phrases and structures that are required by the department that you now lead and have been the case for decades. It is probably 10 per cent at best that represents the local vision that a community has where it should also be entitled to that. I think it is probably going to come out through the charter of community engagement that local vision be still retained within it.

The Hon. J.R. RAU: Other than to refer everybody back to the expert panel's report, that is probably the most I can say about that particular point.

Clause passed.

Clause 82 passed.

Clause 83.

Mr GRIFFITHS: I am looking for clarification on what clause 83(1) means when it talks about:

> An accredited professional who has not completed the functions of a relevant authority in relation to a particular development may not be removed from his or her engagement as a relevant authority unless the Minister consents to that removal.

Then there is a penalty of $10,000 involved. I am unsure of what that actually means.

The Hon. J.R. RAU: I am advised that this is similar to the private certification rules under the current legislation, so it is simply, as I understand it, a replication. I am reminded that the 1993 planning review identified the issue of 'expert shopping', the idea that you get somebody who does not tell you what you want to hear and you sack them in order to find somebody who will tell you what you want to hear. The notion is that if that sacking is going to occur it should be for a reason that you can justify to the minister, as opposed to, 'This person is not giving me what I want.'

Ms CHAPMAN: I certainly hope it is not going to be applied to other professions—to think that we are going to need ministerial approval for someone to engage somebody and dismiss them. They might not like them, they might be sloppy in their presentation; there might be lots of good reasons to get rid of lawyers or doctors or anyone else who is not providing a good service.

I find it rather curious that we have this provision, where the government says on the one hand, 'Look, we will allow the choice of people to use a private certifier. It might in fact encourage the public instrumentality, namely, the council of the day, to make sure they provide a good service and they might attract it.' On our side of the house, we actually like choice. If you have appropriate protections, it is reasonable that people have that option.

I find it rather bizarre that we have a situation where, if someone engages that person, pays a fee and finds that they are not satisfactory, or in fact that the person, to use the words of the clause, 'has not completed the functions of a relevant authority' presumably to finalise a report or whatever—there does not seem to be anything else other than incompetence—they cannot go unless the minister consents.

It is just bureaucratic nonsense to me, especially as it comes with a $10,000 penalty. Be that as it may, I have made my point in that regard. It is clearly a point of difference between our side of the house and the other, where we support that. It is a little bit like saying—

The CHAIR: Is there a question, member for Bragg?

Ms CHAPMAN: No, I am saying—

The CHAIR: No, is there a question?

Ms CHAPMAN: There is a question.

The Hon. J.R. RAU: Can I just answer this question?

The CHAIR: No, I am in charge. I am asking what the question is.

Ms CHAPMAN: It is claimed it is following some 1993 review of this. What is the penalty for, presumably, attempting to dismiss somebody without the consent of the minister?

The Hon. J.R. RAU: Can we just get clear in our mind the function of this person. I know analogies are always dangerous, but I am going to take the risk of using one. If you look at the legal profession, ask yourself: what is the relationship between the client and the lawyer? The answer is that the lawyer is the client's servant. The lawyer owes a duty to the client to act at all times in the interests of the client.

Ms Chapman: Acting on instructions.

The Hon. J.R. RAU: Yes, indeed, acting on instructions. If you do not do that, you wind up in front of the—

The CHAIR: Hang on, let's go back to the clause.

The Hon. J.R. RAU: Just so it is really clear, the function of this assessor or expert is not to be an advocate for the development applicant. Their function is to be an assessor and, using the

analogy of the courts, they are the judge or the magistrate, not the lawyer. In the courts, as the member for Bragg would be very well aware, in order to deal with a judge, whom you may or may not like, it is considered both unethical and not okay even to attempt to engage in forum shopping or judge shopping.

Indeed, in relation to the rules in relation to what needs to be satisfied in order for an application for a judge to disqualify himself or herself, I am looking here at a case of Johnson v Johnson (2000) 201 CLR 488 [11], which has been reaffirmed in various other cases. It goes through the sort of bar that needs to be discharged before you remove an adjudicator, as opposed to somebody who is your servant. Saying that you cannot just sack willy-nilly a private certifier is basically similar to saying that you cannot sack willy-nilly a council planning officer just because you do not like what they are saying, because these people are sort of doing the same job.

Ms CHAPMAN: How does it then apply? You are using an example of when you are looking down the barrel at having a decision made that you do not like and you want to get rid of somebody, and you want to find someone else who will assist you to get a better situation. What if you want to discontinue the application? We have a situation here where you will not proceed with the application at all and you have to go along and get the minister's permission to—

The Hon. J.R. RAU: That's not what it says: it says 'to remove—

The CHAIR: Order!

Ms CHAPMAN: Let's look at the reading. It says 'a person who has not completed the function', so the party has to have not finished, and then they cannot be removed from his or her engagement. So, if you say to them, 'I want to withdraw my application, I don't want to build this hotel any more, I want to terminate your instructions to proceed with this,' how is that excluded from the liability of a $10,000 fine?

The Hon. J.R. RAU: First of all, again the honourable member is misunderstanding. It is not 'terminate my instructions,' but, 'I want to terminate my application,' and if they terminate their application it would be in the terms functus officio because the withdrawal of the application renders the application at an end. That does not see the person at risk. It is not that they have not completed the functions—the functions are no longer required at the request of the applicant.

The CHAIR: Order! Last question.

Ms CHAPMAN: Here is the problem, though, minister, when someone is facing down the line of not having a right decision. As you say, we cannot just sack these people because they are an adjudicator, and I understand that. But, even if you can foresee that, and you think that you are on a thrashing to nowhere, and you think that you will withdraw your application now, advise them you do not want them to do this any more, they will be removed from their engagement as the relevant authority.

It does not say who removes them; it is by the act of indicating of withdrawing the application that they will then be facing that vulnerability. If you say (and we will put it here in *Hansard*) that in those circumstances that would not be treated as a removal, even though it would be prior to the conclusion of their function as a relevant authority, that they would not be faced with that situation, even if it is a situation where the applicant fully acknowledged that they thought, 'I am not even going to go any further because I know I am going to get smashed here, so I'm not going to progress it,' that they would be protected against a fine of up to $10,000, then I will take that, but I would like it on *Hansard*.

The Hon. J.R. RAU: That is the way I understand it: you are not proceeding with the application, there is nothing to be done.

Clause passed.

Clauses 84 to 86 passed.

Clause 87.

Mr GRIFFITHS: Can I get clarification, minister. Where a proposed development is classified as a restricted development, I read this as saying that it is called in by the commission. Is it that it is or that it may be called in by the commission? It says 'will'.

The Hon. J.R. RAU: Where it is a restricted matter, the primary function falls on the commission, though the commission may (and I think it is set out elsewhere) determine in a particular case to delegate that decision to another entity, like a council, for example.

Mr Griffiths interjecting:

The Hon. J.R. RAU: Yes, the primary consideration. It goes initially to the commission, and the commission may say, 'Well, if we're going to entertain it, we can do it ourselves, or we can say that we're happy to delegate it down to a council, for example'.

Mr GRIFFITHS: I appreciate that, and I understand it a more clearly now. Given that historically the council assessment panels in whatever form they have been have sometimes considered rather expensive, large-scale developments, is this a greater level of control potentially by the fact that, if it is in this 'restricted development' definition, automatically it is part of the commission's responsibility?

The Hon. J.R. RAU: I am advised that this is about slimming down the bureaucracy because at the moment we have large lists of noncomplying and we need concurrence from DAC and the other assessing authority. First of all, there will less of that—well, there will not be noncomplying in that terminology, and so there should be less bureaucracy attached to this process.

Clause passed.

Clause 88.

Ms CHAPMAN: I would like some clarification as to what is an 'impact assessed development' other than a restricted development for which, of course, the minister becomes the relevant authority. There is no definition of an 'impact assessed development' in the definitions section. There may be somewhere else in the bill but I am not sure where it is. With 'restricted development', I thought, I may have read it in some—

The Hon. J.R. RAU: It is clause 101, under impact assessed development, page 78, and we will be there shortly.

Ms CHAPMAN: Page 78. So could you give me an example of what you would be doing as the authority assessing?

The Hon. J.R. RAU: It is not dissimilar to the present major project provision where we are actually engaging the commission to do the work. The commission provides advice to the minister and the minister then makes a determination based on the advice.

Ms CHAPMAN: We are going to have a new commission and they are going to have their job; and we are going to have these other relevant authorities in certain categories. So I am at page 78, and I am looking at 'restricted development'.

The CHAIR: No, we need to deal with clause 88.

Ms CHAPMAN: No, but you mentioned that, and that is why I am asking, and I am going back to clause 88 and it says—

The Hon. J.R. Rau: I have just explained that is where you find the definition.

Ms CHAPMAN: I will ask you again then, because where is 'impact assessed development'? I can see where 'restricted development' is defined on page 78, but where is 'impact assessed development' defined?

The Hon. J.R. RAU: Clause 101.

The CHAIR: So we are going to move clause 88 because the matters you are referring to are further down the bill.

Clause passed.

Clause 89.

Ms CHAPMAN: When you do your assessments as the relevant authority, minister, who is going to actually be doing the work for you when you do your impact assessed development under clause 88?

The Hon. J.R. RAU: The department will work with the commission. The commission will provide the minister with the advice. The minister will make a decision.

Clause passed.

Clause 90.

Mr GRIFFITHS: This all leads to the discussion about certifiers that we had before. The request put to me by the Local Government Association is that, where certifiers from a planning viewpoint are involved, it is for more of a lower-level application which would currently be defined as category 1; or is the intention for the private certifier to act across the full spectrum of applications that will be considered?

The Hon. J.R. RAU: Bear in mind the regulations under the Development Act basically permit this already for pretty well any category of development, but it would be an expectation that we would start off at least with pretty simple matters and see where we go from there.

Mr GRIFFITHS: It started off by the regulations, and determining whether—

The Hon. J.R. RAU: Just by way of background, the capacity to do this in respect of any assessment already exists in the current act under the regulations. That is not, in itself, a new thing. This is basically just moving it from the regulations into here. As to what would happen, initially, as people get their heads around these things, we would start with what you have described as a category 1 type thing. This is at the beginning, but there is no reason why, either from a practical or from a conceptual point of view, it should not extend beyond that in due course.

Clause passed.

Clause 91 passed.

Clause 92.

Mr GRIFFITHS: This was put to me. Where a substantial amount of the work involved in an application may have been approved by a different authority or certifier, and then it goes to local government (as it currently does) in the expectation of accepting the decisions made by the other level, they have great concern about the amount of time spent in actually checking that to ensure that the decisions made are appropriate, and the fee return they might get for that. Is that one of the implications for this?

The Hon. J.R. RAU: I think the answer is that fees-wise they will not have the same fees, but the good news is that they will not have anything like the same amount of work to do either. So they do less and they get less in fees.

Clause passed.

Clause 93.

Ms CHAPMAN: Regarding delegation of powers, it is not unreasonable, in most legislation, for those who are the acting or assessing authority to have powers of delegation. This is about as generous and general as I could ever see; essentially, it means that if you do not want to do one of the impact assessment developments which ordinarily come before you, you can delegate it to the commission, you can delegate it to a council, you can delegate it to Mr Bloggs. It is very general.

In the level where we have a fairly strict structure as to who is going to be responsible for what, for all the reasons you espouse, the importance of having legislation to deal with the smaller matters in a timely matter, obviously we power up the structure, usually according to the value of the development that is being considered, and certainly if it has a major social impact. I understand all that, but generally we have some restriction on this.

In the sense of the delegation there are limitations on who else it can go to; when we are dealing with the police commissioner, for example, it has to go to another senior officer, or be delegated only to persons of certain qualifications and the like. For all the particularity of identification of the structure to meet the level of complexity of applications, it seems to go out the window with this clause. How is this going to be managed and restricted so that it is not abused?

The Hon. J.R. RAU: First of all, I am told by parliamentary counsel that this is a standard delegation clause. It appears in this form elsewhere. This is the normal delegation provision that parliamentary counsel uses. Secondly, because there is potentially an enormous range of matters of varying scales of complexity it is useful to have a very flexible delegation authority which can be varied from time to time.

I think the real danger is that if we start particularising delegations here, this section would turn into about 30 sections, and even then we could not necessarily anticipate every detail. So I am told that this is a general utility provision relating to delegations.

Mr GRIFFITHS: Can I just get some clarification? Given that 'relevant authority' includes private certifiers I presume, and I would presume on a lot of occasions they are not a part of a larger company but indeed might be an individual acting under their own business, how can you delegate that unless you engage a completely different company to actually undertake the work for you?

The Hon. J.R. RAU: We would see that as being regulated through the code of conduct obligations for those people.

Clause passed.

Clause 94 passed.

Clause 95.

The Hon. J.R. RAU: I move:

Amendment No 20 [Planning–1]—

Page 76, lines 1 to 4—Delete subsection (10) and substitute:

(10) An encroachment under subsection (1)(d)(iii) or (e) must not interfere with a property right without the consent of the person who, at the time that the consent is granted, is the holder of that right.

(11) In addition—

(a) subsection (10) does not apply in relation to an encroachment over public land; but

(b) in the case of public land, the entity that has the care, control and management of the public land may impose a reasonable charge on account of the encroachment when the relevant development is undertaken.

(12) In this section—

public land means land that is under the care, control and management of—

(a) an agency or instrumentality of the Crown; or

(b) a council or other local government agency.

Mr GRIFFITHS: I refer to subclause (11)(b) 'may impose a reasonable charge'. There are a lot of words in here that we will talk about later on where it is an objective assessment on things, but what is a 'reasonable charge'?

The Hon. J.R. RAU: 'Reasonable charge' was already there. What we are trying to do with the amendment is to make it clear that it is not going to be interfering with private property. In other words, without the consent of the individual it would only be applicable to public land—footpaths, etc.

Amendment carried.

Mr GRIFFITHS: I refer to page 75, subclause (7). The issue was put to me that this does create an opportunity for a staged planning consent to actually be granted, because it talks about more than one authority being involved in that and the complexity that that leads to. There is a

concern from the local government perspective of where it might be an accredited relevant professional that might do it in the first instance and then council is involved in the second instance, and the confusion that might exist over that. Is that something the minister has considered?

The Hon. J.R. RAU: This subclause is actually innocuous, though it appears here. The clause was part of that planning bill that I brought in a while ago to address the pay or judgement, and you will remember I did not proceed with that because there was some controversy about that. This is the solution which I am advised by all of the best brains in the business is the best solution for that particular problem.

Mr GRIFFITHS: So four lines replace the bill that the minister presented to the parliament mid last year?

The Hon. J.R. RAU: Subclauses (6) and (7) probably should be read together, but the reason I did not proceed with the other bill, and I think I mentioned to the—

Mr Griffiths: You did withdraw it, though.

The Hon. J.R. RAU: I did withdraw it, because it was brought to my attention that that might cause more trouble than it was attempting to fix. So, I have gone off to all of the people who know about these things and I am told that this is a more elegant way to deal with that matter.

Ms CHAPMAN: I have a question in relation to subclauses (6) and (7) where we are starting to preface clauses with 'To avoid doubt'. These are often in explanatory notes that go with drafting. I am always amazed as to what curious language is introduced into these pieces of legislation, because I would have thought every single clause in a bill is to avoid doubt: it is to specify what the provision is. Is this some new approach that we are having where it is put into the substance of the act and not just as an explanatory note?

The Hon. J.R. RAU: I will try to give as succinct a description of the background to this as possible. The so-called payor problem, I am advised by eminent lawyers, was a problem which was a problem of perception rather than legal reality. It arose, as sometimes does in this area, from entrepreneurial legal personalities in certain firms advising people about certain things which then became the conventional wisdom and, irrespective of what was in the legislation, everyone behaved as if that advice in some way had rewritten what was there or what was not there.

These things are to say to those people, 'Hey, you, just so it is really clear, this is what we mean. It is not that other piece of advice you got from a certain group of people that has meant the whole industry has gone off on this sort of tangent. This is what we mean.' It is meant to grab people's attention because the whole payor issue, as I understand it, arose out of a misunderstanding which was initially put into the minds of people by some advice, and the top thinkers in this area including, I think I can say on the record, Mr Hayes QC, told me there is no payor issue. The judge in that particular matter—Judge Cole, to whom I have apologised for the remarks that were made in the context of that, and I repeat that apology—did not make a mistake. You need to sort this out in a different way, and that is the response.

Ms CHAPMAN: Usually, what happens though, minister, is that we are frequently asked as a parliament to tidy up errors in law, misunderstandings, some apparent body of knowledge that has come out of the wisdom of one practitioner that has given an unfair perception and, therefore, given people expectations that are unrealistic—all of those things. We come in here, and we fix it up.

You, as the Attorney or as the minister, stand up and say, 'To be absolutely clear, to avoid any doubt, we are introducing this statutory provision,' to either exclude or include a certain entitlement, right, obligation or penalty or the like. We do not add 'to avoid doubt' into the bill. I just want to know why this has come about as some kind of new lot of grammar.

It is frequently at the bottom of a footnote, which I cannot say I am too partial to either because I think that just highlights examples which usually turn out to be a problem more than being helpful when it comes to legislation. I just do not like this sort of language being in there when, in fact, every single clause is to avoid doubt, hopefully.

The Hon. J.R. RAU: I understand the point, but I am advised by parliamentary counsel that even the 2007 version has this type of language sprinkled within it. This is an artefact of drafting, and

I defer to the experts in terms of clarification of drafting matters. It is their view that this is the best way to achieve it, so that is I think as far as I can take that.

Mr GRIFFITHS: I am seeking some clarification on subclause (3), minister, where it states that a relevant authority on its own initiative or upon an application may reserve its decision. The Property Council and the UDIA approached me, and I think they put to you that it should not be the relevant authority that makes the decision on its own initiative: it should be based upon an application only. Has the minister given thought to that request?

The Hon. J.R. RAU: I think the view is that we are certainly not excluding the notion that it should be on the initiative of the applicant but, if we have a good forward-thinking proactive authority who says, 'Look, you can get on with this and we can deal with this matter later,' I, frankly, cannot see any harm in allowing them the opportunity to do that.

Ms CHAPMAN: Can you just clarify what happens when later in the act we come to certain default provisions that kick in if things are not done within a month or a certain time period? Does this override that? How do we identify whether, in fact, the authority is using its powers under the proposed subclause (3) to reserve its decision, and in fact, therefore, has the effect of breaching the time requirements that would otherwise kick in, or successfully avoids it?

The Hon. J.R. RAU: I am advised, and I understand, that in practice this would be: your application is approved subject to you doing X, Y and Z.

Ms Chapman: It doesn't say that.

The Hon. J.R. RAU: No, but that is what it is for. This does not interact with the other time limited aspect that you are talking about. That is about the making of the approval in the first place. This is saying that we have an approval but the approval has attached to it a number of triggers or conditions. The approval is already done. The accelerated time line, or the time-limited aspect that the member for Bragg was asking about, goes to the question as to whether or not the approval is given. This is post approval.

Ms CHAPMAN: It does not say that. It says 'in relation to granting a planning consent', and then it goes on to say 'reserve its decision on a specified matter', which may cover the types of things you are talking about, 'or reserve its decision to grant a planning consent'. So, in fact, it is right at the nub of the actual application. Perhaps this needs a bit of tidying up as well because it seems to me that we are going to have some inconsistency.

Clause as amended passed.

Clauses 96 and 97 passed.

Clause 98.

Mr GRIFFITHS: Minister, you talk about 'code assessed development', the Planning and Design Code and 'deemed-to-satisfy development'. I am intrigued as to why the two terms are used.

The Hon. J.R. RAU: There are two elements to the code. The code will have a performance-type narrative and it will have a prescriptive narrative about 'deemed-to-satisfy'. The building can be 20 feet high. That is a deemed-to-satisfy. If you have 20 feet, that is it, 'deemed-to-satisfy'. There would be a performance version, perhaps, of that same thing which says that the building must do X, Y and Z, but that is assessed against the performance criteria in the code. So 'deemed-to-satisfy' is where the code has these alternative routes to home.

Clause passed.

Clause 99.

Mr GRIFFITHS: This is a concern I have had for a long time. Under subclause (2), in the second line it talks about '1 or more minor variations'. It is an objective assessment of what a minor variation is that worries me about it. Is there any form of definition or guideline that can be attached to that?

The Hon. J.R. RAU: Earlier on, the commission can issue practice guidelines—clause 43.

Mr GRIFFITHS: So we can work on the basis that a practice direction or a practice guideline would be issued which would give a definition as to what a 'minor variation' would mean?

The Hon. J.R. RAU: Correct.

Clause passed.

Clause 100.

The CHAIR: We now have amendment No. 21 in amendment schedule 1 in your name, which you are moving, Attorney.

The Hon. J.R. RAU: That one I am not proceeding with.

Mr GRIFFITHS: For clarification, minister, to benefit others at a later date, can an applicant proceed to construct those elements that are approved in advance of the development as a whole? Has consideration been given to whether this causes an issue of partially developed land down the track?

The Hon. J.R. RAU: You either basically have a consent or you do not. The fact that you have elements that are deemed-to-satisfy, if they do not give you the complete picture you still do not have a consent. So, if you have something which has elements which are deemed-to-satisfy and elements which are still performance elements, you need a tick on all of those.

Let's say you need five boxes ticked and you have three as deemed-to-satisfy. If you do not have the other two, which are performance-rated things, ticked as well, you do not get the consent. You do not have a consent until you have a consent, and you need all the ducks in a row before you get the consent. So, the deemed-to-satisfy is more about what elements of it you have ticked off.

You will see, when we get to the question about how much can be re-agitated, that at the present time we say that if you have your proposal 90 per cent right and there is 10 per cent wrong you have to go back to the beginning and start again. Under this, we say that you get to keep the 90 per cent that you have got right and you have an argument about the 10 per cent that you have not yet got right. It is consistent with sections that come later about that. It is consistent with the way the Building Code works as well.

Mr GRIFFITHS: The reason I ask is because of an earlier reference, only 15 minutes ago, about the staged approach and that there might be several consents involved. By association, one would presume that a consent would provide an opportunity for a partial development of an eventual full site too. So, that is the reason why I asked the question, to see if there are concerns there.

The Hon. J.R. RAU: In my example about five, if you had two of them already ticked off, the authority might say, 'We will let you commence works subject to ultimately being satisfied or approving those last three.'

Mr GRIFFITHS: That is okay when it is the same authority, but if it is not—

The Hon. J.R. RAU: One authority will issue the planning consent.

Clause passed.

Clause 101.

Ms CHAPMAN: This is the impact assessed development, which is your domain, minister; these are potentially your babies. I think from what you said before this will assist me in identifying what is an impact assessed development. I have read it and I am not sure that it does assist me, firstly, because it is an impact assessed development if it is classified by the planning and design code—and we have not seen that so I do not know what that is—or classified by regulations as an impact assessment development, which I assume is by you—and I have not seen any of those—or it is declared by you, which I assume also to be under the regulatory power in some way as an impact assessed development. It might be under some different process other than regulation. What are these things? If they are similar to what have been major project status applications in the past, how many major project applications have you declared since you became minister, and what are they?

The Hon. J.R. RAU: In answer to the second-to-last question: yes, it is like major projects. There are two things which sit broadly in the public mind in the category of major projects. One is infrastructure, which might be construction of a port or whatever it might be; then you have others which may or may not be in that sort of classic infrastructure space. For example, some people might want to do a housing development and want it declared a major project; some people might want to redevelop a factory and that might be declared a major project. In fact, I can think of one right now.

However, during my period as minister I have taken a view on major project status, and I think I have said on many occasions that I cannot foresee a circumstance in which major project status should be utilised to approve a residential development, and I have behaved accordingly.

I have granted major project status to a number of what I would call infrastructure proposals: just off the top of my head, things like the proposed desal plant for the BHP Billiton expansion of Roxby Downs which would have been at Port Bonython, or somewhere. There have been two or three or four port proposals on Eyre Peninsula. Sheep Hill is one that comes to mind—

Ms Chapman: None of them have gone ahead.

The Hon. J.R. RAU: No, but you were asking about whether the—

Ms Chapman: You declared them as major projects.

The Hon. J.R. RAU: Yes, and there is a difference between making the declaration and actually completing the process of the declaration. I am advised that you might do two or three a year.

Ms Chapman: Have you done any?

The Hon. J.R. RAU: I am sure I have; I just cannot tell you. I can come back to you with them but I can tell you the only ones I have ever even commenced have all been things like building a port or something of that nature. For example, the desal plant for BHP Billiton was not only a major piece of infrastructure but it required a very extensive environmental impact regime to be attached to it. The major project vehicle has the most rigorous environmental impact process available in the state planning regime.

I can get back to the honourable member with the ones that have been done. I have dispensed with a few which were sitting there when I came into my position because, after asking the individual people whether or not they had any intention of proceeding with them and whether or not they had the capacity to proceed with them, I was ultimately advised by some of them, 'Well, actually we can't,' in which case I took it off the books, or they said, 'We won't,' or, 'We're not going to say,' or whatever the case might be. If you leave it there, that acts as a blocker for other people who might seek to invest in that area but are frightened to do so because there is the potential of this major project coming in and gazumping them; so it is not a good idea to just leave them there doing nothing, in my opinion.

Ms CHAPMAN: I look forward, minister, to hearing of the major projects that you have approved in your time. I cannot think of any, actually. I think your predecessor, the Hon. Paul Holloway, gave them out like confetti. Nevertheless, that is not to say that some were not meritorious in their application, but I look forward to seeing your list. The BHP example you gave, of course, under the indenture was required to undertake an extraordinary amount of environmental impact statement work both for the state and for the federal authorities. I do not put it in that category in the sense that they were looking for the protection of an indenture to give them a 40-year cap on their royalties and all these other things, and it was over a massive area. Unsurprisingly, it would have a regime of regulatory oversight that would be as strict as would be expected.

The Hon. J.R. RAU: Can I just respond to that whilst the member for Bragg thinks about that other matter? I have, I think, been a bit more sparing in the use of these. The good thing about 101, and I think it is a very important step forward, is that, rather than everything being at the discretion of the minister—at the moment what happens is the minister has to be convinced that there is a warrant in a major project declaration and then the process either proceeds or it does not. That has the impact of everybody, particularly the uninformed, forming the view that the minister necessarily by doing that is saying that the minister will, come hell or high water, make sure that winds up getting approved.

Ms Chapman interjecting:

The Hon. J.R. RAU: No; I know that is not what it means, but that is the way it is perceived out there by many, I can assure you. This basically says that, once these regulations are in place—the regulations might say, for example, that ports, nuclear power stations, desalination plants, airports, for argument's sake—they will be impact assessed unless the minister says they cannot be, or will not be, or whatever the case, and the only way anything else can be impact assessed is to flip the whole thing around. We are putting up in the public domain in regulations, so that everyone can see them, in future the sort of thing you can expect to be impact assessed at these things, and by inference if it is not on that list you should ask a question as to why the minister of the day is making it impact assessed, and the minister of the day should be in a position to explain to you why, even though it is not in that list, it nevertheless warrants being impact assessed, if that makes sense.

Ms CHAPMAN: So, of the projects that you are currently managing, I appreciate you have indicated you are not in that space of just willy-nilly approving these things, even though I think it is fair to say that if a major project assessment is granted it does set out a very rigorous process of assessment, in fact some would argue a much more expensive and prolonged process than is necessary even if there has been this perception that it would have the imprimatur of the minister as it progresses. What then would possess you to indicate that something like a golf course on Kangaroo Island should have major project status?

The Hon. J.R. RAU: Kangaroo Island is probably a really good example. I have been out to the site on Kangaroo Island and I am sure the member for Bragg has been there too. It is a coastal area. It has quite sensitive ecological linkages there—

An honourable member interjecting:

The Hon. J.R. RAU: No; I know it is only limestone, but there are some interesting plants there and lots of small, furry animals. Given that Kangaroo Island is quite properly treated as such an environmentally sensitive area, to the best of my recollection the reason I thought it was appropriate for that process to be used was exactly for that reason. Not only is it the case that I regard it as being an important area from an ecological point of view, but it is quite possible—and I would have to check—that the commonwealth EPBC legislation might have something to say about that project. If we are going to have any hope of aligning those two things, the only vaguely compatible instrument or management tool we have is that sort of declaration.

The CHAIR: Is this another supplementary to your supplementary to your third question?

Ms CHAPMAN: Yes, it is.

The CHAIR: Okay, and then it is the member for Goyder, who looks like he is ready to ask a question.

Ms CHAPMAN: Is it the intention of the minister that all applications for development on the coast of Kangaroo Island, or indeed on the coast of anywhere where he considers it a sensitive environmental impact, will be declared a major project? What is the criteria upon which you are going to deal with it? Does it have to have a sea bird or a particular plant that is at risk, because we have the longest coastline of most states (other than Western Australia) in the country. It beggars belief to think that you would be attaching some kind of suggestion that major project status is necessary for coastal regions. I am happy to list other coastal developments on Kangaroo Island that, during your time, you have not actually moved in that way.

The Hon. J.R. RAU: Can I just say this: it is always a question of degree as well. A relatively small development is a completely different impact concept to a larger one. This is a larger one. It is not just the size of the golf course; there are issues about retention of water, about a whole bunch of other things that go with this particular project. The second point is that, from memory, I do not think the planning regime on Kangaroo Island had any capacity to deal with this particular type of development, because I think—

Ms Chapman interjecting:

The Hon. J.R. RAU: No, but I do not think there were planning rules there which would have catered for this. This would have been noncomplying.

The CHAIR: The member for Goyder has a question.

Mr GRIFFITHS: If I may just seek clarification, given that we are talking about major projects. Minister, when you talked about one that has been on your looks for some time, is it one that has been there for about eight years and a project that the member for Newland and I are both aware of; that is, to the north of Adelaide and defined as being in the Samphire Coast area?

The Hon. J.R. RAU: It could be.

Ms Chapman: Buckland Park?

The Hon. J.R. RAU: No, Buckland Park is different.

Ms Chapman interjecting:

The Hon. J.R. RAU: No, I didn't.

The Hon. T.R. Kenyon interjecting:

Mr GRIFFITHS: And nor did the previous director of the department of environment.

Ms Chapman interjecting:

The CHAIR: Are we back on the bill or are we talking about other things?

Mr GRIFFITHS: I need to put this on the record because it was put to me very recently by one of the co-owners of the property—

Members interjecting:

The CHAIR: Order! The member for Goyder has the floor. Off you go.

Mr GRIFFITHS: I just seek to put this on the record because it has been put to me by one of the co-owners of the development that we are talking about that, as part of the major project status declaration made some time ago, there was an indication of a commitment for the sale of crown land associated with what the development would be.

The Hon. J.R. RAU: I can assure you that, in relation to that—we are straying quite a bit off the track here—

The CHAIR: I know, I am trying to bring you back.

The Hon. J.R. RAU: —I have given no commitment to anybody about a sale of any crown land, not least of which because I am in no position to give such an undertaking, even were I minded to do it. To be the planning minister and to give that indication does not sound like the sort of thing I would do. I can assure you that I haven't, but I have made inquiries about that land and the information I have had about that land consistently has been—because I have asked questions of the department of environment, about what they thought about that particular land, and they had quite particular views about that land, which did not involve it being sold for a particular purpose.

The CHAIR: The member for Finniss has a question on clause 101.

Mr PENGILLY: Minister, I find the major project status interesting. I am actually a supporter and I go back a fair way on that, where the Bailey-Smith family came to me when I was mayor in another place and wanted to do the Southern Ocean Lodge. I said, 'Why are you wasting your time coming to see the council; it will never happen.' I made an appointment for them to see Paul Holloway, and the rest is history. It was likewise with the Makris project which unfortunately fell by the wayside. As to what they originally proposed at Victor Harbor, where that will go is now up for some debate.

I picked up on what you said a while ago in part of the dialogue you were having with our side of the chamber where you said that it can take longer and be more expensive. I am wondering how you see the opportunity to fine-tune the major project status so it does not get bogged down.

The member for Bragg talked about the golf course on the island proposal and I note you picked up on the EPBC provisions of the feds. I think that more often than not some of these extreme environmental groups use the EPBC to delay things even further and slow things down. I want to see

things happen across my electorate and across South Australia, so I am wondering how you view the major project status, while you are still in the planning minister role, in getting things moving quicker rather than having them held up.

The Hon. J.R. RAU: I thank the member for Finniss for that and can I acknowledge that the Southern Ocean Lodge that he referred to is an outstanding project. It is an international scale project, not just a South Australian scale project—

Ms Chapman interjecting:

The Hon. J.R. RAU: Anyway, there are two things I would say. The delaying tactic point, I get completely. The only point I would make to the member for Finniss is that if we could have the commonwealth and the state process running in tandem, rather than have one and then start the other afterwards, that is infinitely better than having the two of them running separately and one after the other. That is one point. The second point as to whether we can streamline matters, if you go to the next section we are looking at,102, that is intended to do precisely that.

Mr PENGILLY: Following on from that we have this ridiculous situation at the moment with this golf course proposal on the island where the local environmentalists are up in arms about the possibility of having kangaroo culls there and they are trying to slow it down. I have never heard anything more damn stupid in all my born days, quite frankly. There are more kangaroos and wallabies out there than you can poke a stick at, but why I am discussing this with you—

Members interjecting:

The CHAIR: Order! Everyone is a bit excited. We are still listening for the question from the member for Finniss, who is winding his explanation up.

Mr PENGILLY: How do you see your role—and I am only using that as an example—in actually trying to get rid of this nonsense to speed things up?

The Hon. J.R. RAU: As I said, I am a very big supporter of providing economic opportunities on Kangaroo Island, but can I say that when we come to section 102, which is the next one, there are bits in there about the fine-tuning which might be of some comfort to the member for Finniss.

Mr GRIFFITHS: I have a question that relates to subclause (5), the second line, and the word 'project', which is not defined in the legislation. The Property Council has forwarded me this concern. It ought to be defined at some point because it essentially broadens the definition of development which the minister now controls. There is not so much a problem about the extended degree of control, but defining exactly what is or is not controlled by the system. There is no right of appeal to the applicant. This should be changed so that applicants can appeal these decisions as well, especially given how wide a range of developments this could cover.

The Hon. J.R. RAU: It is judicial review only of this. This is an exercise of discretion by the minister at the present stage. If the minister has miscarried in the minister's decision then so be it. The other point is, I am advised, that there are some other activities which may not be defined as development within the meaning of this act but, nevertheless, require an EIS for some other reason.

Ms Chapman: Like what?

The Hon. J.R. RAU: Mining.

Ms Chapman interjecting:

The Hon. J.R. RAU: No, no.

The CHAIR: Member for Bragg.

The Hon. J.R. RAU: Just to make the point, in New South Wales, for example—

Ms Chapman interjecting:

The Hon. J.R. RAU: Can I just make this simple point? In New South Wales, for example, I was talking to a minister there the other day who said to me that their mining regime sits within their development act. They do not have a separate mining act.

Ms Chapman: But we do.

The Hon. J.R. RAU: But we do, so the point that is being made by parliamentary counsel—and it is a very good point (sorry, it is being made by me, but I am picking up the vibe)—is that there might be something which is not a development as defined in this act but which nonetheless requires an EIS. This is the state's principal environmental impact tool.

The CHAIR: Okay. We have had lots of questions, lots of supplementaries, so I am going to put clause 101.

Clause passed.

Clause 102.

Ms CHAPMAN: Now that mining is on the agenda.

The CHAIR: No, it is not.

Ms CHAPMAN: Potentially a project, as the example given, as a project. Somebody wants to put a sand mine in somewhere and you have decided that that is something that should come under your purview and not be entrusted to the minister for—who is the minister for energy and mines?

Mr Griffiths: The Treasurer.

Ms CHAPMAN: The Treasurer—heavens above, that is probably a good idea not to give him responsibility for it. Nevertheless, let's assume for the moment that you decide that you want to exercise responsibility over that and so you just declare it. The point is, how can there possibly be a judicial review over something that is in your head? Essentially, a project is anything else that is not a development that you think is worthy of assessment. There can be no judicial review of that, because you are going to have complete carte blanche. The learned shadow minister next to me makes a very good point. There is no basis whatsoever. Development is about as broad as you can get.

The Hon. J.R. Rau: It does not include mining.

Ms CHAPMAN: It does not, apparently, and perhaps it should not. My point is that, unless it is defined for the purposes of curtailing a perhaps future minister's penchant for using this clause—we might have the son of, or daughter of, the former Hon. Paul Holloway, and we might be back in the major project arena. Heaven forbid! I just make the point that it seems quite legitimate and reasonable to confine whatever you might say should be in this high level category to be within the development, and not start picking off other jurisdictions.

The Hon. J.R. RAU: Just a couple of quick points. I think I understand the member's point of view. Point number one: if the minister does something for an improper purpose, that is clearly reviewable. Point number two is: I understand that the Mining Act does not have an equivalent EIS assessment tool within it, so this is able to be used. Point number three is: if the minister of the day wanted to call something in to do something that they wanted to do, there is another area here where the minister has call-in powers that could be used. This is a very complex way if the minister is determined to go off and do something capriciously. This is a very hard way to do it compared with simply calling the matter in.

Ms CHAPMAN: I hear what the minister says, and I accept that it may set a fairly onerous threshold, but it also may not, and so it does not have to be capricious. It may be just a decision to help out a mate to advance a project that they see as a pet project that they want to advance. The rules are going to be set at this high level. Obviously, there is that aspect of appeal.

The other thing is that it seems as though the minister is presenting to us some kind of view that there needs to be some way in these major projects of having obligations to deal with the environment. We have the Environment Protection Authority. We have a whole lot of laws in respect of mining. We have even had that new policy document which the Premier has put out about multiple use for rural land—not just land, in fact; it is going to be water as well—that I referred to today, which opens up all these opportunities for doing all sorts of things, from Woomera to Spencer Gulf to other areas of development.

The CHAIR: So, what is the question?

Ms CHAPMAN: My question is: is the minister indicating to us that all of these other laws that apply in relation to environmental obligation, whether it is contamination of soil, etc., do not apply to your developments in some way and, if they do, why is it necessary for you to have this extra role outside the normal development definition?

The Hon. J.R. RAU: That was quite lengthy, but when we get to clause 106 a lot of exciting answers will start to come out. This is the principal environmental impact assessment tool in the state's collective tool kit. There is more to be revealed. Once we get to 106, which I hope will be in a couple of seconds, we will be able to get more deeply into it.

Clause passed.

Clause 103.

Mr GRIFFITHS: I was going to ask a question on clause 101. Were you talking about 101 then?

The CHAIR: No, we have been on 102 for three long questions. I am sorry if you have missed that.

Mr GRIFFITHS: I did. I was going to ask about public consultation, about a practice direction.

The CHAIR: Maybe that is in 106 as well. We are moving on to amendment No. 22 on schedule 1 standing in the minister's name.

The Hon. J.R. RAU: I do not wish to proceed with that amendment. I move:

Amendment No 23 [Planning–1]—

Page 81, line 19—Delete 'development agreements' and substitute 'business days'

Amendment carried.

The Hon. J.R. RAU: I move:

Amendment No 24 [Planning–1]—

Page 81, lines 34 to 36—Delete subclause (10)

Mr GRIFFITHS: Why is this amendment necessary?

The CHAIR: We are taking it out now. Did you want to leave it in?

Mr GRIFFITHS: He is removing a clause from the legislation. I am wondering why the removal is taking place.

The Hon. J.R. RAU: We want to make it clear that we want an early no or an early yes from the commission before they actually go through the full assessment process. The removal of that provision we think makes that clearer; in other words, that it is not open to them to pick any old time during the process—they should try to do that first so that people do not waste their time and effort.

Amendment carried.

The Hon. J.R. RAU: I move:

Amendment No 25 [Planning–1]—

Page 82, after line 8—Insert:

(15) The Commission, acting through its delegate under section 30(3), may refuse an application that relates to proposed development classified as restricted development without proceeding to make an assessment of the application.

(16) A decision to refuse an application under subsection (15) without proceeding to make an assessment is, on application under this subsection by the applicant, subject to review by the Commission itself.

(17) An application under subsection (16) must be made in a manner and form determined by the Commission and must be made within 1 month after the applicant receives notice of

the decision under subsection (15) unless the Commission, in its discretion, allows an extension of time.

(18) On an application under subsection (16)—

(a) the Commission may adopt such procedures as the Commission thinks fit; and

(b) the Commission is not bound by the rules of evidence and may inform itself as it thinks fit.

(19) The Commission may, on a review under subsection (16)—

(a) affirm the decision of its delegate; or

(b) refer the matter back with a direction that the application for planning consent be assessed (and that direction will have effect according to its terms).

(20) No appeal to the Court lies against—

(a) a decision of a delegate under subsection (15); or

(b) a decision of the Commission under subsection (19).

Mr GRIFFITHS: Because these are six new subclauses being inserted, will the minister give an explanation as to why these amendments are being moved?

The Hon. J.R. RAU: We have taken (10) out and put these in to make clear the point I was just trying to make.

Amendment carried.

Mr GRIFFITHS: I refer to subclause (3) which reads:

The Commission may dispense with any requirement under subsection (2)(a) if the Commission considers that the giving of a notice envisaged by that subsection is unnecessary...

A concern was raised by the Local Government Association about the removal of public notification requirements by virtue of this clause, which would be somewhat of a challenge to community expectations, so why is this intended to be in place?

The Hon. J.R. RAU: We can have a look at it between houses but the notion of it is if you had some minor change that was going to occur somewhere in a rural setting and the nearest neighbour is a very long way away, and the prospect of it having any matter of concern for them or impact is zero, it should be possible to dispense with notification requirements.

Mr GRIFFITHS: In many cases I would accept that but it was related to restricted development which is, by its nature, a bit more contentious so I would have thought that it would have been required to leave it there.

Clause as amended passed.

Clause 104.

Ms CHAPMAN: This clause is the 'Impact statement by Minister—procedural matters'. This sets out what you can do in very general terms and, as you point out, up to clause 106, we then start moving on to EIS proposals. I am not sure, but it seems that although there is a general obligation under the proposed bill to have a community charter, and that is going to be drafted and issued for consultation, and I understand all that, and although I think the process is rather back to front, I ask whether any of your impact assessment approvals are subject to the charter once it is in place?

The Hon. J.R. RAU: No, and I point out, as I said before, that this is the most rigorous assessment process in terms of the height of the bar to be cleared of any, and it stands aside from the charter.

Ms CHAPMAN: What about when somebody, which is another level of panel, does the restricted developments? Are they bound by the charter?

The Hon. J.R. RAU: Yes, I think we need to be clear on this. The charter applies to policy and planning tools, if I can describe it that way. It does not apply to assessment, because what we are trying to do is to move the whole conversation, in terms of the engagement with the community right to the front end, which is where they work out what the planning policy is going to look like. That

is where we want to have very strong public engagement so they know exactly what is going on and they are involved in that process. Again the assessment process is somebody adjudicating on whether your proposal meets that policy.

Ms CHAPMAN: Of course, there is the delegation aspect which could mean that any person or body could end up actually exercising this assessment role. I do not know whether the minister has had an opportunity to view any of the other charters that are operating around the country but one was proffered at the infamous Burnside council hall meeting on 21 October, at which I regret to note your appearance was rather brief. Nevertheless, I think it was appreciated that you attended, presented for a short time, and although you were not there to answer questions, I understand it was raised as a charter, and a draft from New South Wales was presented at that meeting. I do not know whether you had an opportunity to read it or not, but their charter, for example, specifies on page 3, and I will just read this paragraph:

A Minister should not amend or refuse to make a local plan unless it is inconsistent with the state or regional plan.

Of course, that touches on the point you mention, that this is all about influencing the plans rather than the actual assessment. It continues:

Further, the minister's decision to amend or refuse to make a plan should be legally chargeable. Also, the minister—

it says this twice, I do not know why; the grammar is not too good in New South Wales—

should not have the power to appoint an administrator to take over a council's planning functions except where a finding of corruption against the council or its staff has been made by the Independent Commission Against Corruption (ICAC).

From what I have read of it that is the only mention of the minister, which does fit in with the minister's concept, that the charter should only influence him for the purposes of him acting as the signatory of the authorising party to a plan or an amendment plan. In some executive circumstances he might need to appoint someone where, in the minister's case, a proposed panel or member ought not to be progressing something because of an ICAC inquiry, and therefore he might act.

I perfectly understand that, but it just seems that once that plan is set—especially as the minister is going to be able to identify in his assessments, those few that he might do, a project status which may or may not ultimately have a rigorous EIS process—really, the minister is not going to be compelled any way to deal with the sense of the community, which has outlined its position in the charter. Why? Quite simply, the minister will be able to identify an area or region that relates to a particular project that could be completely inconsistent with its existing use—that is, a port or the like—and completely disregard or, in fact, not even consult with the local community about that project.

So whilst it may have a very high standard of environmental impact of the assessments for that purpose—and if it is a port or an airport, for example, it might have a whole lot of federal regulations over it is as well—local people are going to have no say whatsoever. Although it appears that the minister has had a light touch in this area in the time he has been operating it, where, at this top end level, are local people going to have a say?

The Hon. J.R. RAU: I think the answer is, again, that I do draw a distinction between the policy formulation and the assessment, but I have already said enough on that. The second point is that under the present regime relating to major projects, everything that the member for Bragg has said might be possible to be done by the minister of the day can be done now, and has been done in the past. The third point is that if you go to section 106, we are actually adding some things in there that do not presently exist in terms of mandatory consultation with councils, or replicating a similar sort of process.

Ms Chapman: But where is the public?

The Hon. J.R. RAU: The public is in 106(5)(b).

The CHAIR: We are looking at 104; you have had several questions on 104 so I will put it.

Clause passed.

Clause 105 passed.

Clause 106.

Mr GRIFFITHS: I am not sure of the differences, and I seek some clarification relating to the availability of information—I am looking at subclause (11) on page 85 as well as subclause (5)(b)(ii). That second option determines that an EIS is published on an SA Planning portal, but in subclause (11) it talks about the EIS and the proponent's response being kept available for inspection. Does that also mean being published on the portal, or is it only the physical version that is available for inspection?

The Hon. J.R. RAU: It does not require the portal but it could be put on the portal. We will have a look at that. Unless there is something I am not aware of I do not have any problem with it being on the portal.

Clause passed.

Clauses 107 to 110 passed.

Clause 111.

Ms CHAPMAN: On division 3—Building consent, I will just start with a matter I raised during the morning session, minister, that is, the indication in relation to the strict building obligations. I appreciate there is going to be a whole lot of prescriptive obligations in respect of obtaining building consent. One of the matters I raised this morning was how we might promote the opportunity for the development of heritage property, and you indicated two things; one was that the hold-up of this, which you are looking to try to consider as a package by mid next year, was the advance of, I suppose, some freeing up of the disability obligations at a national level, given the obligations of that regime, and that that was going to be on the agenda for COAG.

During the luncheon adjournment, I viewed the COAG communiqué for attendances on 10 October 2014, 17 April 2015 and 23 July 2015. There is reference to a trial NDIS strategy, which obviously relates to the National Disability Insurance Scheme, but there is otherwise no reference in the COAG communiqués to any discussion or resolution of that entity to advance review of that issue. I understand the next COAG meeting is on 11 December, so I am wondering where that is and, if it is on information you have given to us that perhaps needs some further investigation with the Premier, I am happy for you to get it and get back to us.

The Hon. J.R. RAU: I am happy to get back to you, but here is what I know from my own personal knowledge about this. I have been raising this issue at building ministers' fora for two or three years; all colleagues around the country agree with this proposition. So, to the extent that I have a vector into the commonwealth administration, I have been exercising that.

Secondly, I think it was at the COAG meeting before last that the Premier raised this matter as an issue for COAG. That does not necessarily mean it is on the communiqué, but my understanding is that he has raised it because I have seen documents which indicate that it has been put on the COAG agenda, but I can make inquiries as to exactly where it is up to.

I can say that the national Building Code is presently being revised, and South Australia, along with Victoria and, I think, Western Australia, have been quite strong urgers in that area because we are trying to get that sorted. Apparently, at my urging, state and territory officials are meeting with the Building Code board and the Property Council with a view to try to progress some of those matters.

Ms CHAPMAN: I will wait to hear back on this between the houses as to where that is at at the COAG level because, as you say, that is the highest level for consideration. If it is the case that there has been no actual advance of this, other than perhaps the South Australian Premier raising it in some informal way, are you suggesting that you cannot advance statutory reform in South Australia to release the obligations in respect of this area—that is, the disability obligations—until there is a federal statutory reform?

The Hon. J.R. RAU: This is a bit complex because the commonwealth has a role and we have a role. In short, the answer is basically this: we could seek to modify the impact of the DDA

here. The consequences of doing that would be to remove the blanket protection which presently exists to protect building owners from any sort of DDA discrimination suit by an individual.

What people get because we comply is that they are immune from any form of litigation about this. If we were to drop our standards to facilitate things which are DDA-related things—and they are not the only ones, I emphasise this—all we would be doing is exposing the people who are doing these projects to potential litigation from disgruntled individuals, which would not be very helpful either. That is something on which we need the commonwealth to consent to us having more flexibility about what we can do at a state level without that protection being removed.

In respect of things like fire requirements, that is something where we can do more here. Basically, the answer with the fire requirements is that there tends to be a view that fire requirements are prescriptive rather than performance-based, and we would like to see more performance-based assessment of fire safety issues.

I will give you an example, which is possibly wrong, but let's say that everybody thinks the answer to fire is to have sprinklers throughout the place. If you have a performance-based assessment, you might be able to say, 'If you don't have any sprinklers but you do have external fire escapes, and you do have sliding doors that shut bits off, that is as good in terms of performing the task required as the other thing.'

Ms Chapman interjecting:

The Hon. J.R. RAU: Yes. There is a reluctance for the approving authorities to accept things other than the entirely orthodox, and that is a job we are trying to work on. The other thing we do in here which should be of help is that we are saying that local government cannot impose things above the Building Code of Australia on buildings which they just do because they have a fetish about something.

If the Building Code of Australia is good enough to be the Building Code of Australia, it is good enough to be the Building Code of Australia in each council in Australia, including all those in South Australia. You do not add a different bell and whistle because you are in council A or council B. We are attempting to address that in here. The last area is the Building Code itself, and that has to be done at a national level. We are working on that, and that is what the meeting on Friday is about.

Ms CHAPMAN: The second aspect that was raised this morning by you, minister, to address this difficulty was for our side of the house to give, I think, positive consideration of the Local Government (Building Upgrade Agreements) Amendment Bill 2015 with a view to us assisting in some way with the opportunity to develop this heritage area within the envelope of the fact that it was to apply to commercial buildings—

The Hon. J.R. Rau: I didn't say just heritage: I said all older buildings.

Ms CHAPMAN: —well, all buildings—so, obviously, within that there was a capacity to assist in this area. My understanding of this bill, which I appreciate is sitting in another place at this point, is that various parties are considering some amendments to try to I think balance the resultant obligations that might be on owners of property versus those who might be tenanting properties, to put it in a nutshell.

In any event, it relates to allowing investment to progress to, I suppose, retrofit buildings to bring them up to standard at an environmental level, etc. It may be an admirable proposal but it does not actually address what we are discussing, and that is the opportunity to have some relief from the strict obligations in a development upgrade of a heritage building. I just indicate that I have looked at that. It may be a sensible bill. I am in the process of reading it and we will see how we can advance the meritorious aspects of it, but it does not help this other issue.

At this point, as I see it, you are saying, 'In light of the fact that there may be some risk to those who develop of having a discrimination action taken against them, we are not advancing that until we have dealt with it at the federal level,' and I understand that; but, as I also understand it, other states have been able to progress this—and they may have been doing it on the basis that you can progress provided you accept full liability for that risk aspect. I do not know what private arrangements are going on in other states, but it does seem there is an opportunity for some of our

other capital cities to develop in an orderly manner to enable us to ensure that heritage assets are not decaying, left vacant and without tenants to maintain them. I look forward to seeing that bill. By mid next year I will be making a little note in my diary as to when I expect the bill.

Clause passed.

Clause 112.

Mr GRIFFITHS: I go to page 92, subclause (9)(d). The first line uses the word 'inconsistency' and the second-to-last line uses the words 'any specified matter', and it is talking about the same thing. The suggestion put to me is to retain 'inconsistency' in the first line but in the second-last line use the words 'relevant inconsistency', just to ensure consistent description of it.

The Hon. J.R. RAU: I invite PC to have a look at that at their leisure. It is either a tick or a cross as far as they are concerned.

Mr GRIFFITHS: Subclause (13) states:

To avoid doubt, a person may apply for the approval of a proposed development even if the person is not the owner or occupier

I understand the reasons why that would be in place sometimes—I can certainly respect that—but does the minister consider that there should be some form of notification on the application to say that the owner supports the application being lodged?

The Hon. J.R. RAU: Not necessarily, because this raises commercial in confidence issues and a whole bunch of things. If you have a block of land and a potential purchaser knows about this block of land and wants to find out what they might be able to do with the block of land, it might affect their capacity to negotiate with the owner of the land if the owner of the land is tipped off that, first, they are interested and, secondly, what they might be intending to do with it.

This is an opportunity for the buyer to do due diligence on a piece of property, just as the owner of the property could do their own due diligence on the property. I think the idea that the prospective purchaser doing their due diligence should be required to hand over all their intelligence to the potential vendor is asking a little much. We could have quite complex joint venture exercises as well.

Back on the other point—and I am not doing this in any way to provoke a further conversation on the topic and I say this in all seriousness—if the member for Bragg or the member for Goyder is prepared to speak with the relevant ministers in Canberra who have responsibility for the DDA and also encourage them to be sympathetic to what we are saying, that would not go astray, and I would provide information so that can be done.

Ms CHAPMAN: I am just not sure of this, and I may need to ask a question on it, because when I asked about the regime of enforcement for the assessing authorities, I was told that that was at pages 91, 97 and 191. So, part of clause 112 traverses page 91. Perhaps you can tell me first under this section, or that page, whether there is a regime here that actually imposes the time requirement to ensure timely progress of matters?

The Hon. J.R. RAU: In that context, 112(3) provides—

Ms Chapman: Subclause (3)?

The Hon. J.R. RAU: Yes.

Ms Chapman: Page 89?

The Hon. J.R. RAU: Page 91.

Ms Chapman: It is on page 89 in my copy, but that is alright.

The Hon. J.R. RAU: 'A relevant authority', yes. That is the stop the clock-type proposition where further information is required.

Ms CHAPMAN: Yes, but it does not tell me what the time is; it is still all to be set by you sometime in the future. In fact, this is an obligation on the applicant to provide all this material in a

timely manner, not the other way around. I am talking about the relevant authority getting on with the job.

The Hon. J.R. RAU: That is to do with provision of information, and I am advised that we should probably read that in conjunction with 118, which does set out the times.

Ms Chapman: Clause 118?

The Hon. J.R. RAU: Yes, which is on page 97 of my copy. That sets out things like subclause (4), 10 business days; subclause (7), one month; 14 days in subclause (8), and so on.

The CHAIR: Are we happy with 112 at that point?

Ms CHAPMAN: Just let me clear this up.

The CHAIR: You are on an advance copy are you, member for Bragg?

Ms CHAPMAN: I may be slightly out, but that's alright. I am happy to work with this one. I have got all my markings and I do not want to start that again; we might be here until midnight tomorrow. I am happy to do that, but—

The CHAIR: No, we are definitely not starting again; we will just talk about clauses and not page numbers.

Ms CHAPMAN: It is just the minister gave me page numbers, so that is alright.

The CHAIR: Okay, but he does not realise that that is not helpful.

Ms CHAPMAN: Page 97, which then may be page 96, may be the clause 118 that you referred to. Is that where we were at there?

The Hon. J.R. RAU: Yes.

Ms CHAPMAN: And page 191, which is codes of conduct—

The Hon. J.R. Rau: Schedule 3?

Ms CHAPMAN: Yes, schedule 3. Okay, so we are on the same page. Let me just—

The CHAIR: We do not refer to page numbers from now on; we are only going to talk about clauses, because the member for Bragg is on a different—

Ms CHAPMAN: That's fine.

The CHAIR: No, we are not talking page numbers anymore; it is clauses only.

Ms CHAPMAN: Correct. Do the time requirements apply to you, minister, when you are the relevant authority?

The Hon. J.R. RAU: Yes.

Ms CHAPMAN: And so if you fail, what is the penalty to you?

The Hon. J.R. RAU: Can I make the point that 112(5)(c) makes it clear that the relevant authority, whoever that might be:

> …in making an assessment as to planning consent, only request the applicant to provide additional documents or information in relation to the application on 1 occasion;

So, in other words, you cannot keep going back and forward unless the—

Ms Chapman interjecting:

The Hon. J.R. RAU: Just to be clear: because the minister would be doing impact assessments, those time limits do not apply to the minister because they are impact assessments—in other words, major projects—

Ms Chapman: So they do not apply to you?

The Hon. J.R. RAU: No, but they do apply to the commission or any other—

Ms Chapman: So you cannot be fined?

The Hon. J.R. RAU: No, but if you go to 118 you will see the consequences are actually, in particular—I know we are jumping ahead of ourselves a bit here, but the major consequence is 118(2) which is a deemed consent. What is happening now is that people can just say, 'We are not going to deal with it,' or, 'We will deal with it by saying no,' and you have nowhere to go after that. You cannot appeal—you go off to court. This is saying, 'Okay, authority, the risk of doing nothing doesn't sit with the applicant; it sits with you. So get off your bottom and do it.'

Ms CHAPMAN: I do not have any issue with that; in fact, it was our policy at the last election, quite explicitly, to deal with this issue: that there ought to be time limits on whoever the relevant authority was, not in the definition of this but it was usually councils at that stage—but DACS or anyone else if they do not actually progress something in an orderly fashion, then it is reasonable for there to be penalties, including the power for some other agency to intervene and be able to advance the project one way or the other.

The biggest complaint was not that you got an adverse decision—because at least you could go to court—it was no decision or this petty request for further information of minutiae, and all that did was cause everyone frustration, delay, cost, etc. I understand that and have no issue about the process. My concern is what is to happen if the minister does not do this. I appreciate that they cannot be fined; I appreciate that they do not have a time limit on them but what is to happen if a minister does sit on a project that is within the definition of what they are assessed—either in the list, as you have said, or classified or prescribed?

The CHAIR: Is that our last question on 112, because we are really pushing it a bit and we need to move on.

The Hon. J.R. RAU: The provisions that apply to the minister are not these; they are the ones contained within the structure of the EIS section that we looked at a while ago, so the minister is governed by that. We are ahead of ourselves a bit: can we deal with 112 or, in fact, can we deal with 112 up to 118?

Mr Griffiths: No, I have a question on 113.

The CHAIR: Hang on; I am trying to finish off 112. I appreciate your assistance. Can we finish 112?

Ms CHAPMAN: As I understand it, minister—

The CHAIR: Hang on, we are finishing 112.

Ms CHAPMAN: Well, no, but—

The CHAIR: You have had four questions, long questions. We are moving on to 118 now to satisfy your question on 112. We are moving around and 112 should be satisfied by now.

Ms CHAPMAN: I will ask it on 113.

The CHAIR: The member for Goyder is as well, as far as I know.

Clause passed.

Clause 113.

Mr GRIFFITHS: I am interested in how outline consent is intended to work. As I understand it a request is submitted for an outline consent to be granted with a subsequent application to be lodged. The dilemma for me is that it has been put to me that the outline consent is likely to be on a more significant application that would normally be subject to some level of public notification, but indeed is public notification—though I doubt if it can be—provided as part of the outline consent process.

The Hon. J.R. RAU: We have been talking to the LGA about this and this is one matter which we have under review and it is something that we will have further views about between the houses.

Ms CHAPMAN: In respect of 113, which is the outline consent obligation, I take it that that, along with all of the provisions under division 4, under procedural matters and assessment facilitation, does not apply to you as minister as the authority.

The Hon. J.R. RAU: The minister is only authority for impact assessment matters which are—

Ms Chapman interjecting:

The Hon. J.R. RAU: But this does not apply to the minister in that context.

Clause passed.

Clause 114.

Mr GRIFFITHS: I am interested in design review. I respect the fact that advice must be sought but it should not guide the architectural designs that an individual application decides to pursue, as long as it meets the broad guidelines on it. Will it be assessed as part of the design review group only by how it meets that and not to make suggestions about how to change it and what their own vision might be?

The Hon. J.R. RAU: Yes; it is a very good question. Can I say to the member for Goyder that I would be happy to arrange for him to be an observer in one of the design review processes that is being run presently by the Development Assessment Commission because it is quite interesting. Design review is about fundamental principles of design. It comes back to what I was saying before about the design charter or design principles. Design review looks at things from that sort of perspective. It does not superimpose the taste, if you like, of the review panel onto the proponent; but it does comment if the proponent makes an obvious error—and I am talking about fundamental design error. I will give you a classic example of something that would not be okay.

If you have a city block, and the proponent wanted to build boundary to boundary on the whole of the block and have blank walls facing all of the streets so there was no interaction at all, the design review process would say they have to (a) interact with the streetscape and (b) they might say that there needs to be some public access into this property, so it might mean an arcade or something. You see this in many buildings, particularly in Sydney now. I was there not long ago, and in Bligh Street in Sydney there is a very large new building and the whole ground floor up to the height of the ceiling in this room is an open space, and the public can walk through the building, and there is coffee and other sorts of things there. These are the sorts of design elements; it is not architectural in the strict sense.

An honourable member interjecting:

The Hon. J.R. RAU: It is not style, it is design, yes.

Sitting extended beyond 22.00 on motion of Hon. J.R. Rau.

Ms CHAPMAN: I appreciate, minister, that much has been said about the planning and design code, that we are yet to see it, and so on. Can you explain how it is that at present developments such as pop-up facilities can operate—small bars and the like—without providing wheelchair access to the premises for the purposes of offering usually entertainment in a public space?

The Hon. J.R. RAU: There are two things: if it is a pop-up as such, the carve out for these things is temporary developments, so there is a relaxation of the formal requirements for those. In relation to some of the other developments, particularly, as was mentioned, small venues, what has actually happened is that the case management team that we have within planning have been working with the developers of those things to help them navigate their way through the DDA maze. It might be that some advice from them about what you do or do not do to the premises enables them to be able to get to where they need to go without triggering some of these costs. To give you an example, if you get a building and basically all you do is paint it, then painting is not development.

Ms Chapman: It will be under your bill.

The CHAIR: No, it won't be apparently.

The Hon. J.R. RAU: It is not development for the purposes of disability access, that is for sure, but if you start knocking out walls or putting in a whole bunch of new toilets or facilities or something, at that point, the more you do the more you start triggering DDA compliance requirements. Some of these people who are doing these projects are very careful about what they do and don't do, because once they trip a certain threshold they engage DDA requirements.

Clause passed.

Clause 115.

Mr GRIFFITHS: Minister, I refer to page 95, subclause (6)(b), which provides:

if the regulations so provide, no appeal lies against that refusal or those conditions.

My concern, as I read it, is that we are granting the fact that no appeal can be in place via regulations that we do not have the opportunity to see yet. Why are there no appeal rights?

The Hon. J.R. RAU: Those two provisions are transposed.

Clause passed.

Clause 116.

Ms CHAPMAN: Can you just explain to me what we are talking about here? Fortifications? I thought we had passed a whole lot of laws to get rid of them.

The Hon. J.R. Rau interjecting:

Clause passed.

Clause 117.

The CHAIR: The member for Bragg has a question on clause 117.

The Hon. J.R. RAU: We should be leaving it there. I have raised this with the Commissioner of Police and I have said, 'In view of what's going on, should we have this still there? Has it got any work to do?' His view was that it did, so we have left it there. I cannot presently recall exactly why it was, but he had a reason which he did explain to me at the time and I have left it there for that reason.

The CHAIR: Any further questions on clause 117? Member for Hammond.

Mr PEDERICK: In the definition of 'fortification'—and the deputy leader talked about the anti-association legislation—in regard to a private person, how do you define a fortification? Does it mean if they want to have a three-metre wall around their property? Is there any real definition of it, apart from what we defined as the obvious in regard to crime gangs?

The Hon. J.R. RAU: This is nothing in any way different to what already exists. It is not a new provision: this is just the existing one rolled out again. Fortification, I believe, you might find in subsection (3), which is on page 16 of my copy.

The CHAIR: No more pages.

The Hon. J.R. RAU: It is defined as having the same meaning as in part 16 of the Summary Offences Act.

Ms Chapman: Which is?

The Hon. J.R. RAU: I do not have a copy of that with me, but it is nothing different.

The CHAIR: There is a copy behind you, minister.

The Hon. J.R. RAU: I can read it out. It just so happens that one has come nearby.

The CHAIR: This is one you prepared earlier?

The Hon. J.R. RAU: It is one I prepared earlier, yes. In the Summary Offences Act:

fortification means any security measure that involves a structure or device forming part of, or attached to, premises that—

(a) is intended or designed to prevent or impede police access to the premises; or

(b) has, or could have, the effect of preventing or impeding police access to the premises and is excessive for the particular type of premises,

Clause passed.

Clause 118.

Mr GRIFFITHS: I reflect on the fact that I know decisions should be made as 'expeditiously as possible' I think is the term used at the start of this clause, but no doubt there are two rather different positions about how expeditiously that should be. Has the position that you have reached here—because I think over the page on subclause (7) is where you refer to one month—been the subject of a lot of negotiation to get to that time frame?

The Hon. J.R. RAU: This is a recommendation from the expert panel and it is modelled on a Queensland provision which we understand to be very successful. It actually puts the onus on the people who have the capacity to make the decision to make the decision rather than the present arrangements where there is no onus on the people who have to make the decision—

Ms Chapman: Except you.

The Hon. J.R. RAU: Except the minister, yes, but that is only in those impact assessed matters, but at the moment, to get back to the observation made by the member for Bragg, there is no reason in the world why any local government authority needs to do anything. They are the assessing agency. They can take their own good time and there is no consequence however long they take. So this is saying that, since you have the power to do something, you had better get about doing it, because if you do not do it, the effect is going to be a deemed consent and then you have to appeal against that deemed consent if you want to upset it.

Mr GRIFFITHS: Does a deemed consent extend to all levels of applications that are lodged, or is it intended to only be for the lower level, if I can use that, for what would be categorised as category 1 at the moment?

The Hon. J.R. RAU: It is anything.

Clause passed.

Mr GARDNER: Madam, I draw your attention to the state of the committee.

A quorum having been formed:

Clause 119 passed.

Clause 120.

Mr GRIFFITHS: I have a question on subclause (4), if I may, regarding the second word on the third line. It says the authority 'must' apply. It has been put to me that normally planning bills and legislation actually talk about 'may' so why is the word 'must' there?

The Hon. J.R. RAU: Existing provision, I am advised.

Ms CHAPMAN: The Glenside site is currently under development, as consistent with our ministerial DPA. It is on government land. There is a development going for a post-traumatic stress unit under the stewardship of the Minister for Health, and there is to be a major housing development on a large proportion of the balance of the vacant land on that property.

There were, at the time of the commencement of developments and renewal by former premier Rann, 2,000 trees on that site. Some 800 or so are significant trees. Is this obligation going to apply to projects that are under ministerial DPAs and/or the minister's impact assessments?

The Hon. J.R. RAU: It is a pick-up of the existing law and it applies, as the existing law does, to everything, but it would not apply to an impact assessment.

Ms CHAPMAN: So why was there not an obligation on the Department of Health when it developed the new hospital site at the rear of the premises and removed trees—significant and others—for the purposes of that development? Was it not obliged to plant 1:10 or 1:30 or whatever

trees on other sites? More importantly, will it, given the current position, have an obligation to plant the number of prescribed trees on another property?

The Hon. J.R. RAU: I will obviously have to find out; I do not know.

Clause passed.

Clause 121.

Mr GRIFFITHS: Subclause 2(d), where it refers to the fact that 'unless otherwise approved by the relevant authority, cannot seek to extend the period'. I am intrigued about how that works, because if you cannot seek to extend it, how do you actually get approval from the relevant authority unless the word is 'may' instead of 'cannot'?

The Hon. J.R. RAU: If you get a development approval and the approval has a currency of two years, you cannot come in with what you claim is a variation and then say, 'Well, that constitutes a new start of the clock for another two years.' In other words, if you were not to say this, people could perpetuate these things indefinitely by constantly coming up with new things at the 18-month stage and keep buying themselves two years, two years, two years.

Clause passed.

Clause 122.

Mr GRIFFITHS: If I can just ask a question on subclause 1(b), where it talks about 'land that is subject to a statutory easement'. It has been suggested by me that it should be 'land that is or will be subject to a statutory easement' for an infrastructure reserve. I am not sure how you define that, because until the easement is in place, who knows where it is actually going to go, but that is what I am seeking clarification on.

The Hon. J.R. RAU: Can we look at that between the houses?

Clause passed.

Clause 123.

Mr GRIFFITHS: I apologise if I have missed this, but subclause (1) refers to 'section applies to essential infrastructure of a prescribed class'. Is that actually defined?

The Hon. J.R. RAU: It will be in the regs.

Ms Chapman interjecting:

Mr GRIFFITHS: Exactly, we do not know what we are talking about.

The Hon. J.R. RAU: If you go to subclause (3), there is a definition of 'essential infrastructure'. This provides for the opportunity of narrowing the class of things.

Ms Chapman: You are joking!

The Hon. J.R. RAU: No, seriously, it provides for the chance of narrowing for the purposes of what is described as 'essential infrastructure' so that it does not have that broad class of things, so it is actually giving more particularity to infrastructure that would fit within this class.

Ms CHAPMAN: How does it possibly narrow it after listing all of the logical essential infrastructure—energy, generators, water infrastructure, and the like? They are all pretty clear, but when we get to the last one it says, 'other infrastructure, equipment, buildings, structures, works or facilities brought within the ambit of this definition, either by the Planning and Design Code or by the regulations'. It could be anything; it could be a toilet, which is probably caught under one of the others.

The Hon. J.R. RAU: That definition is deliberately broad, because that definition of infrastructure appears all over this legislation and is intended to be of extremely—

Ms Chapman interjecting:

The Hon. J.R. RAU: I am talking about the subclause (3) version. That is intended to be the very broad definition of infrastructure, because it can pop up all over the place. This one, which is only used for particular purposes, so only used where this term of art is used, is intended to be a

much more restricted particular subclass of the definition in subclause (3). It might be sewers, electricity or whatever. It is electricity under the legislation at the moment. Section 49A of the existing legislation applies to electricity. Does it apply to anything else or just to electricity presently? I am advised that we could say that it does not apply to all electricity, but could only apply to very large electricity projects and not smaller ones.

Ms CHAPMAN: That would be logical, but the essential infrastructure under the definition are the things we have indicated, the instructions relating to generational distribution of electricity, gas or other forms of energy, but water infrastructure, transport networks, facilities, causeways, bridges, culverts, embankments—

The Hon. J.R. RAU: Yes, but that is in subclause (3) though, isn't it?

Ms CHAPMAN: This is all subclause (3). If you are saying that of the essential infrastructure which is to have this new alternate assessment process in a prescribed form is only likely to be as per section 49, which is the electricity, is that the intention?

The Hon. J.R. RAU: Yes.

Ms CHAPMAN: Right. So roadways, bridges and all these other things?

The Hon. J.R. RAU: At the moment we are intending to simply replicate the existing arrangements under section 49A.

Mr GRIFFITHS: On subclause (12), where it refers to a dollar figure of $10 million, what determined that figure?

The Hon. J.R. RAU: The dollar figure in 49A has been adjusted for contemporary changes.

Ms CHAPMAN: So how much is it at the moment?

The Hon. J.R. RAU: It went from $4 million to $10 million, I believe.

Mr GRIFFITHS: I believe the Public Works Committee looks at infrastructure over $4 million in value.

Members interjecting:

The CHAIR: Order! We are finishing off clause 123, if you don't mind.

Ms CHAPMAN: I appreciate that inflation does vary from time to time, but I am looking at section 49A of the act, and the current fine is $4 million. You are increasing it to $10 million. I might be assuming that we have the inflation rate of Botswana or something, but I am struggling to imagine how a $4 million fine could go up to $10 million.

The Hon. J.R. RAU: It is a cut-off.

Ms CHAPMAN: A cut-off?

The Hon. J.R. RAU: It is completely the opposite actually. By increasing it from $4 million to $10 million, we are saying that only projects above $10 million are going to be captured by this, whereas previously projects above $4 million were captured.

Mr GRIFFITHS: Subclause (26) refers to the fact that no appeal lies against a decision by the minister; again, you have that in there. Why is that there?

The Hon. J.R. RAU: It is about the consultation process, and I think that is the trigger for this, but let's come back to this; that was the previous one. Subclause (26), as I understand it, is an existing provision.

Clause passed.

Clauses 124 to 126 passed.

Clause 127.

Mr GRIFFITHS: The LGA proposes to me that an applicant should be able to enter into an agreement with a relevant authority that works to ensure compliance with disability standards will be

completed within an agreed time frame. This will enable a business to begin trading and establish a cash flow while the works are being completed. Their proposal arose from the Lord Mayor's jobs summit held earlier this year, so the Local Government Association would like to see some flexibility there.

The Hon. J.R. RAU: That is an DDA issue again and we are happy to look at it.

Ms CHAPMAN: I will add this because it is really an observation of mine. I have not been to these premises and I make no reflection on the owners, but there is an aqua-coloured building on North Terrace opposite the museum which trades, I think, as Tiffany; it is a jewellery shop. It is a large aqua building. As I said, I have not been in it, but it is encompassed within an historic building with a façade along North Terrace.

It appeared to me to open and trade (and I think somebody had an opening for it or something at one stage), and then some months later I note that it now has a huge aqua-coloured entrance, in the form of a wheelchair access, which takes up most of the footpath, and that is why I noticed it. I wonder how that sort of property can operate, apparently trading for some time and then have this imposed on it?

The Hon. J.R. RAU: Again, this is all DDA stuff, but I gather you can have an action plan which enables you to get started, provided you are going to be compliant within a certain period of time, and maybe that is what they had.

Mr GRIFFITHS: Subclause (1)(b) finishes off with a building in 'an unhealthy condition'. I am not sure if I have ever heard that term before. I am interested in how that is judged.

The CHAIR: Well, it is a bit like the car park I suppose, isn't it? That is unhealthy.

Ms CHAPMAN: It certainly is.

The CHAIR: There you go. I am just helping.

Mr Gardner: This building is unhealthy.

The CHAIR: That is a different story. The car park itself is definitely not well.

Clause passed.

Clauses 128 and 129 passed.

Clause 130.

Mr GRIFFITHS: This is a request put to me by the Property Council about subclause (1): to add at the end of the subsection the words 'and if permitted under this act, no consent is required under the Native Vegetation Act'.

The Hon. J.R. RAU: We will have to look at that. I do not know what the implications of that are.

Mr DULUK: On the same subclause (1), I am just keen to go back to that significant tree concept that we had at clause 64. What is the difference between a significant tree and a regulated tree in terms of this provision, and how does that apply to native vegetation in the current act?

The Hon. J.R. RAU: The proposition is that significant trees are defined as significant trees and regulated trees are defined as regulated trees. I believe significant trees are a subset of regulated trees. To put it another way, all trees that are significant are regulated but not all trees that are regulated are significant.

The CHAIR: It is like the chicken and the egg, but only different. Does that help you, member for Davenport? There are no further questions on clause 130, so I am putting that clause 130 stand as printed.

Clause passed.

Mr GARDNER: Chair, I draw your attention to the state of the committee.

A quorum having been formed:

Clause 131 passed.

Clause 132.

Mr GRIFFITHS: On the very first line it provides, 'This section applies if a development approval envisages'. The Property Council has put to me that the word 'envisages' should be replaced by 'requires by condition or nominates as part of an application'. Has that been part of the consultation that has been undertaken with you minister?

The Hon. J.R. RAU: Again, we will look at it, but as I understand it these are existing provisions. If there is a good reason to change it because it is not working out, I am happy to look at it.

Clause passed.

Clause 133.

Mr GRIFFITHS: This relates to access to neighbouring land and the general provision. Given that it details that local government are the people who actually grant the approval, from their advice to me I do not believe they want it, and believe it should be dealt with in other ways. Has this been part of the consultation you have had with the LGA?

The Hon. J.R. RAU: I do not recall the LGA being particularly fussed about this provision, but I gather we are talking to them so let us just see how that transpires.

Mr GRIFFITHS: The Property Council has confirmed the same thing; they do not believe that local government should be doing it. That is what my notes reflect, that is the feedback I have received from them.

The Hon. J.R. RAU: Let us work on that one between here and elsewhere.

Clause passed.

Clauses 134 and 135 passed.

Clause 136.

Mr GRIFFITHS: Clause 136 refers to cancellation of a development authorisation. I am intrigued why people would apply for it to be cancelled. Is this a carryover of a current provision or is it something new?

The Hon. J.R. RAU: Yes.

Clause passed.

Clauses 137 to 141 passed.

Clause 142.

Mr GRIFFITHS: It is power of entry, and it refers to, under subclause (3), 'The building owner, or an authorised agent or employee, accompanied by a member of the police force, may break into the premises of the adjoining owner.' Is that a carryover provision or is that new?

The Hon. J.R. RAU: I am advised it is.

The CHAIR: New or a carryover?

The Hon. J.R. RAU: It is a carryover.

Clause passed.

Clauses 143 to 151 passed.

Clause 152.

Ms CHAPMAN: Clause 152 is a replication of section 73 I think of the act—the limitation on time when action may be taken. After that is, under section 74, primarily under part 7, the regulation of advertisements. My question is, that appears to be completely omitted from the legislation; is there some reason why that is not in this bill? Is it in another section?

The Hon. J.R. RAU: It is later on. I will be able to tell you in a second—part 19.

Clause passed.

Clause 153.

Ms CHAPMAN: This appears to be also a replication of the—

The Hon. J.R. Rau: I am advised it is.

Ms CHAPMAN: —provisions in respect of mining, or at least a portion of them. Perhaps it is a complete replication. My question is, of the mining tenements that have been referred to the minister in the time you have been the Minister for Planning, how many have there been for you to exercise your role under this part 12?

The Hon. J.R. RAU: There are a couple of things to be said. First of all, I have no recollection of me ever being asked to do anything in relation to this, but I will check it out. The second thing is, as I have mentioned in the context of heritage (I think I mentioned this right at the beginning), mining was one of those other elements which were touched on by the expert panel, and we considered that we could only bite off so much at once. There is a discrete piece of work that is going to have to be done about mining as well to try to align that with this. We thought we would get the basic structure in place first and then we can do mining, heritage and transitional provisions in subsequent pieces of work.

Clause passed.

Clause 154 passed.

Clause 155.

The Hon. J.R. RAU: I move:

Amendment No 1 [Planning–2]—

Page 129, after line 35—Insert:

(1a) A scheme under this Division should relate to 1 or more of the following purposes:

(a) to facilitate development or urban renewal of a significant nature by providing a scheme that supports and advances the provision of infrastructure;

(b) to provide a mechanism for the equitable distribution and apportionment of the costs of essential infrastructure;

(c) to assist in the augmentation of capital available to fund essential infrastructure;

(d) to provide an incentive for the provision of essential infrastructure (including through private sector investment) by providing certainty through the establishment of the scheme.

Amendment No 2 [Planning–2]—

Page 130, after line 20—Insert:

(3a) In giving consideration to whether to include a proposal for the collection of contributions under Subdivision 3, the Minister must take into account—

(a) the extent to which it is reasonable that other sources of funding be used instead; and

(b) the extent to which the relevant infrastructure will provide a direct benefit to—

(i) the development potential, capacity, use, value and amenity of the land that would be expected to be included within a relevant contribution area; and

(ii) without limiting subparagraph (i), people who might be required to make contributions; and

(c) any schemes or arrangements (including with respect to the imposition of separate or other rates or charges) that are already in place, or are already planned (and known to the Minister), with respect to the provision of infrastructure or the undertaking of works in the area (or in an adjacent or related area).

Amendment No 3 [Planning–2]—

Page 130, after line 33—Insert:

and

(c) take reasonable steps to consult with the owners of any land that would be directly affected by any infrastructure or works to be provided or under taken under the proposal scheme,

Mr GRIFFITHS: The dilemma is this is the greatest moveable feast, minister, I have ever had to deal with in my life, I must say.

The Hon. J.R. Rau: It's exhilarating.

Mr GRIFFITHS: You can describe it that way. It does not feel that way when I think about it, I have to tell you. It is such an important area; it is an absolute key to it. I know that you are trying to bring about a difference to the system, but in the consultation that I have undertaken I cannot find anybody who actually accepts it. You seem to have more confidence in it than the groups that have been in contact with me have.

Since the amendments to clauses 155 to 173 or thereabouts were given to me last week, one of your staffers has advised me of some slight changes to three of those areas but, in the consultation that I have undertaken, it has not been long enough for them. The property industry group, in particular, only had from I think Thursday afternoon until a meeting on Friday afternoon to express an opinion on it.

It is exceptionally hard for us to debate this in detail because we are continuing to receive comments about it, and we have had amendments proposed even today about it, but it is such an important area that needs to be sorted out, I understand that. We can be here for literally hours talking about this or we can be discussing it between the houses.

The Hon. J.R. RAU: Exactly. I will just speak very quickly on this because these are all sort of a bunch, so let's talk about this. We have had ongoing discussions with all of the people: UDIA, HIA, Property Council, Master Builders—we have been talking to all of them. The amendments that you see here are as a result of things that they have brought to our attention. Can I say that, whether or not we ever get to the point where every one of those bodies agrees with every single word in all of these things, I think that is possibly hoping for too much, but I have been reliably informed that, as a general consensus, they would say this represents a substantial improvement from their perspective on where the thing was before.

If I can just explain conceptually what the issues were that were brought to me and what we have tried to do with these amendments, the first issue is, at the present time, we can only negotiate with landholders to get an agreement which becomes a contractual arrangement with the landholders. When you are dealing with a very large, sophisticated developer, that is not a problem.

You have a sophisticated person on one side of the table and the government on the other. You bargain over what the actual infrastructure will be, and then you strike an agreement that the infrastructure will be provided by the developer as part and parcel of a contract, in effect, between the government and the developer. That is relatively straightforward. It becomes more complicated when you start dealing with multiple landholders, some of whom are very unsophisticated, and some of whom are going to be hold-outs and some of whom are not.

Ms Chapman: We have been doing it for 175 years.

The Hon. J.R. RAU: Yes, well, we are moving into a different sort of zone. The point I am trying to make is this: the first point that the property people were concerned about was whether we are going to use this as a mechanism for gold-plating what the infrastructure is going to be in the first place, so adding a whole bunch of bells and whistles to this thing far beyond what we ever do now.

What we have sought to do in these amendments, and in particular bits of these, is to make sure that the gold-plating concern is addressed. In other words, we are attempting to say in these amendments that this is not an excuse for the state government or for local government to start thinking up their wish list and dropping it into the infrastructure deed. In other words, the infrastructure deeds that come out of this should not be in any way substantially different to the sort of infrastructure

agreements we are getting to now. The scope of the works is the point, so we have attempted to address that.

The second point they raised was whether or not we would be double-dipping; in other words, taking a whole bunch of money up-front and then taxing people or rating people on the way through. We have tried to explain that we accept it has got to be one or the other or a cocktail of the two which does not add up to more than an up-front contribution would have been. So, they are the two main propositions: gold-plating and double-dipping. We accept they are legitimate concerns, and we believe these amendments address them.

I think the most constructive way forward is that I move these amendments now, we get these amendments in here and then I am happy to continue to talk to the opposition and, indeed, those groups to see if we can do further finetuning on these. All I can tell you is I am assured by them, and by those who have been negotiating with them, that these do represent substantial improvements on the original bill, from their point of view.

I want to place on the record now, so everyone understands this, that I am not interested in gold-plating and I am not interested in double-dipping. To the extent that we need clearer words to make that clear, you will not have any push back from me. It really comes down to a matter of words—that is really the issue. I know what I mean, I know what they mean, they know what I mean. Does that cover off every option?

Mr GRIFFITHS: Words are an important part of it but dollars are the eventual determinant in what occurs here. There is absolutely no doubt in my mind about this. In a practical way, I can understand some aspects of how it works but I have a simple question for you and, being a former CEO, I have been used to having negotiations with people about augmentation for infrastructure and all that sort of stuff.

On the basis that there is an agreed standard for the infrastructure to occur—so the scope of works is determined, the cost of it is agreed, the works are undertaken, it comes at a cost—in a simple way: who pays for that? Then councils have to recover that as part of the levy, and there are different rules about how they can charge a fixed charge or a rate in the dollar, and all that sort of stuff. But, in that simple way, how does it work? We might talk about some specifics of it, even though we are going to have to agree to it belatedly.

The Hon. J.R. RAU: This is one of those things where there is no magic pudding. Somebody has to pay for this stuff sooner or later. We are not saying, and I am not saying, that in every development it will be necessary or appropriate for this scheme to be triggered, because there may be many developments at the moment where what we have done historically is okay, where you do have a sophisticated developer, you can sit around the table with him, you can arrange an agreement with him, and off you go. If you can do it that simply, why the hell would you not do it that way, and why go for this more complex arrangement? The preferred option is to keep doing what we are doing, but we recognise that, as time goes on, because of multiple landholders, things are going to get more complicated.

The original motivation for this actually came from the Property Council and the UDIA. They came to me and said, 'This is the riddle of the Sphinx as far as development is concerned. We have to find some way of getting infrastructure funded because these are holding up projects. The fact that we do not have the initial critical mass to get us over that infrastructure initial critical mass point is preventing a whole bunch of things happening.' We have been talking with them, literally, for years about this. I think they all acknowledge this is a problem that needs to be solved.

If you look at the amendments we have put in, I will just run quickly through those because they might be helpful. The first one reads:

(a) to facilitate development or urban renewal of a significant nature by providing a scheme that supports and advances the provision of infrastructure;

(b) to provide a mechanism for the equitable distribution and apportionment of the costs of essential infrastructure;

(c) to assist in the augmentation of capital available to fund essential infrastructure;

(d) to provide an incentive for the provision of essential infrastructure (including through private sector investment) by providing certainty through the establishment of the scheme.

That is supplementary to the existing clause155(1). Then a new (3a) adds:

(3a) In giving consideration to whether to include a proposal for the collection of contributions under [this subdivision], the Minister must take into account—

(a) the extent to which it is reasonable that other sources of funding be used instead; and

(b) the extent to which the relevant infrastructure will provide a direct benefit to—

because this is what they are worried about, gold plating—

(i) the development potential, capacity, use, value and amenity of the land that would be expected to be included within a relevant contribution area; and

(ii) without limiting [that], people who might be required to make contributions;

So we are trying to harness the connection between the paying and the benefit to the same pool of people. That is what we are trying to do here. Then:

(c) any schemes or arrangements…that are already in place, or are already planned…with respect to the provision of infrastructure—

that is just projecting where we are now—

take reasonable steps to consult with the owners of any land that would be directly affected by any infrastructure or works to be provided or undertaken under the proposed scheme…

We then set out in clause 157 a bunch of principles which should be guiding these schemes. The first one is:

…should be limited to recovering the reasonable capital costs of the scheme based only on infrastructure that is not excessive and that is not produced or delivered at a cost or price that is unreasonable in the circumstances.

So, we are trying to limit the scope of works and we are trying to make sure that we are getting value for money in what we are paying for those works, as scoped. We then say:

…contributions should not have an excessive impact on—

(i) housing or…affordability…or

(ii) the economic viability of a contribution area;

I will not read all of this out, but we have tried to capture all of those ideas and contain everything as much as we can. My suggestion is: let's get through this bit with these amendments; let's keep talking. I will keep talking to them. The member for Goyder and I should keep talking and see where we can get to.

Mr GRIFFITHS: Can I just seek some clarification on time frames, and expectation of when the legislation is to pass both chambers. The advice from the industry group to me is that, in discussions as of last week, the legislation was not going to be attempted to pass through the upper house within the last sitting week. Is that correct or not?

The Hon. J.R. RAU: That is so anathema to me it is not funny. I would never say something like that, unless I was having a moment that I cannot now recall. I might have, but that is not my style; I like to get stuff done. My view is, and has been, and continues to be, let's have a lengthy conversation about it in here, which we are doing tonight, and hopefully we will get it done. We can keep talking between the houses, but they should do their best up there, in the knowledge that we have had a thorough debate.

Actually, can I say that it is really refreshing for a change for us to be doing the debating of a bill in here. I think it is really, really good, and that means when it gets up there, they will be able to say to themselves, 'Look, normally, we feel a compulsion to improve things'—which is a euphemism they use for what they do—

Ms Chapman: But minister Gago will be doing it up there.

The CHAIR: There will be no reflections on the other place.

The Hon. J.R. RAU: —'but in this case because so much value has been added in the lower house we don't feel our hands need touch this piece of work'—

Members interjecting:

The Hon. J.R. RAU: —'other than by agreement.'

Members interjecting:

The Hon. J.R. RAU: So I am in a very positive frame of mind.

Mr GRIFFITHS: Minister, there is no doubt you are a glass-half-full person; I have got to believe that. But is there—and I think I expressed these words in the second reading contribution, because there are concerns out there that an area in which the levy will be attracted is not necessarily a development site. It is beyond that, because of the great variation of the infrastructure that is actually detailed that could be part of the funding from this infrastructure levy scheme.

I think the example they used was that if trams go down Norwood Parade, does that mean that everybody 400 metres from Norwood Parade has to pay a levy to go towards this? It is that level of uncertainty, and it is the concern about cost-of-living pressures. I know you have put some amendments in that give some assurances on that, and I do respect that, but that is where the questions lie. I do not know if we can sort it out between you and I.

The Hon. J.R. RAU: I am very confident that the member for Goyder and I will be able to walk arm in arm into the sunlit uplands between now and whenever it goes over there, and I am available, ready and willing to help.

The CHAIR: The member for Goyder does not look certain about that.

Mr GRIFFITHS: Well, I do want to have a political career beyond next week, because I can sense that if what you want to happen happens I do not think I will be here beyond Christmas. There is an enormous amount of discussion that will need to take place on that, but it is just the questions that are being posed.

You have talked about the fact that ongoing dialogue will occur with the different groups between now and 13 days' time, when the legislation is potentially in the house to be debated. That is an enormous amount of compromise that is going to be required from you, I think, to come to some form of position where there is a greater acceptance on it, because I truly cannot find the words in support of it.

You have quoted the UDIA as being one of the drivers of this from the initial infrastructure proposal they submitted to you—and they have given me a copy of that paper too, so I understand that. But, what you have in this legislation goes far beyond what they ever considered.

The CHAIR: Not so sure now, are you?

The Hon. J.R. RAU: No. John Kennedy, to whom I do not compare myself, asked himself rhetorically, 'Why is it that we go to the moon?' and the answer was, 'Because it is hard,' and that is basically what we are doing.

The CHAIR: So what is the upshot, member for Bragg: are you going to ask a few questions?

Ms CHAPMAN: Yes; I am, and I am going to preface my comments in respect of the amendments which are currently under consideration.

The CHAIR: We have questions, though.

Ms CHAPMAN: Yes, on the amendments because I do not think we have covered those yet.

The CHAIR: Yes, but not comments; we have questions.

Ms CHAPMAN: I welcome the government's foreshadowed amendments that we are about to consider. I think they are an improvement to what is otherwise a defective and blunt approach to a problem that has developed, I think, for a number of reasons. Whilst it might have been thought

that I flippantly suggested that we have been able to deal with these matters for the last 175 years, I do not doubt that, particularly in circumstances where there are multiple landowners, it is more difficult. However, it is something that has been able to be addressed really until recent years.

Why is that the case? There are a number of reasons. One is because of this massive expansion of what we are talking about in the definition of infrastructure. In this instance, this bill has made it just about every structure possibly imaginable and then those that might be in the minister's imagination of what he or she might prescribe at some future date.

Apart from looking at what we would all accept as critical or essential infrastructure—namely, power supply, a safe water supply, an appropriate and environmentally sensitive sewerage arrangement, gas (if it is necessary), a road structure, kerbing (which would be reasonable in an urban environment) and, where appropriate, rail infrastructure and possibly an airport—we have now moved—

The Hon. J.R. Rau: There might be public open space.

Ms CHAPMAN: There may be public open space as well that is developed as part of a green area—ovals and the like, unless it is at the Glenside site where they are just about going to get rid of everything, but let's leave aside the particulars—just about every possible service or facility within the proposed precinct, including schools, clinics, childcare centres, aged-care services, community halls, TAFE facilities—you name it.

If one was to look at the last 20 years or so at the developments that have been approved, including large ones such as the Mawson Lakes area with very substantial public facilities, particularly tertiary educational facilities, that is now very extensive. There has been a progression of inclusion into this very expansive group of infrastructure in the determination about who is going to pay for it before the development gets going.

So it is unsurprising to me that developers are saying, 'Look, this is now so broad, and we're happy to accommodate a school or build it as part of the development and the like, but we're now going into a new paradigm of providing everything.' It therefore does not surprise me, as I say, that there is some bucking at the prospect of being called into a scheme which has to provide just about every bell and whistle. We are going to have free phones, communication towers, free apps, a Uber pass for every household. What else are we going to have in essential infrastructure? The mind boggles.

The second aspect of this, with respect to the infrastructure, is that the instrumentalities or the entities or agencies that are providing some of this infrastructure from the government side are a very different creature now than they were 20 or 30 years ago. The SA Water entity is a corporation; it is not the old Engineering & Water Supply; it is not a public amenity which used statutes in the 19th century to build public sewers and pipelines in the City of Adelaide, with an allocation of X thousand pounds to do a particular project. It is far from it.

Our electricity supply has been broken up into five different entities that build, distribute, and so on. Our road system is a combination of all sorts of contributors both financial from three levels of government to private roads. One which we recently had in Burnside, to use an example, involved a family that was prohibited from continuing to build a walkway through their own property, not because it was interfering with native vegetation but because it was deemed to be a development in the first instance and was stopped. Fortunately, that nonsense was disposed of and the family was able to continue that process and have their little walkway through their own property.

If we look at entities such as railways, which is less attractive but seems to be back on the agenda at the light rail stage, we have gone from the Railway Commissioner who still exists but certainly does not have the power that has historically operated for power of compulsory acquisition and the provision of a service, but obviously in major developments in the future that may be replicated with particular light rail spurs into proposed developments. SA Water I just want to take as an example. When the minister talked about gold plating and the augmentation costs of SA Water, just appreciate—

The Hon. J.R. Rau: You had me at hello.

Ms CHAPMAN: Well, you have given your spiel, minister; I am giving you my spiel in respect of the four areas of alleged improvement that you have indicated, which at first blush are encouraging, and I will give you a couple of points for that, but we are yet to read the detail about how that is going to apply. Let me come back to SA Water. It is a corporation which has in the time I have been in here done more gold-plated proposals than you can jump over, and the prize of them all is the desalination plant. I am going to finish off fairly quickly, but I am not finished yet.

The CHAIR: Before you go on, I am in the hands of the house here, but if there is not a question I really intend to put each amendment one at a time.

Ms CHAPMAN: I am happy to put bits of this on each section, if you like, but bearing in mind that the minister—

The CHAIR: Just before you go on, we have to try to stay on task. So, in the interest of staying on task, we are not going to get an agreement about doing things between the houses by the sounds of it.

Ms CHAPMAN: No, no; we are.

The CHAIR: Are we? Alright; well then let's put the amendment—

The Hon. J.R. RAU: I am happy for the member for Bragg, who is indicating to me that within 60 seconds she will be finished. I get everything she is saying and, trust me, we are so, as we would say in our profession, ad idem, it is just—

The CHAIR: I love it when you talk Latin. The member for Bragg has a further 60 seconds.

Ms CHAPMAN: We are not exactly cosy, but let me get back to SA Water. SA Water has not only built a desalination plant, but it has put the gold-plated pipeline through my electorate from one reservoir to another at a cost of over $400 million on its own, and it is a beautiful piece of infrastructure. If you go up there to have a look at the Wattle Park pumping station you would want to put a little tourist information centre next to it, it is so beautiful. If you love engineering, and you love pipes, and you love generators, it is a place to visit.

Mr Pederick: Why aren't we there now?

Ms CHAPMAN: It would be a bit of a better tourist destination than Leigh Creek, that is for sure.

The CHAIR: Is that a tourist suggestion?

Ms CHAPMAN: No; I cannot jump over Leigh Creek. I think somebody in the government recognised that as a tourist destination. I will not be picnicking there, but let me say this: it is a beautiful piece of infrastructure but it is gold-plated. Secondly, we might have ESCOSA in this state, but that does not stop governments making decisions to impose an obligation under a ministerial direction to do certain things.

One of them was by the Hon. Karlene Maywald, to build that pipeline through my electorate allegedly as an addendum to the necessary extra water that was going to be produced at the desalination plant going into the Happy Valley Reservoir. They did not even consider an alternative pipeline from south to north along the coast or adding more water to the reservoir and back down. That is the first thing.

Secondly, it has never been cheap: the opportunity for people to actually say, 'Okay, you're the regulator. We're happy for you to give a quote, but if we can get it done by an authorised person to do the work necessary to provide that service then I want it to be an easier process for alternate providers of that infrastructure to be made, not this monstrous process that has to be gone through to be able to do it yourself.' Finally—

The CHAIR: Member for Bragg, we really have to limit the contributions to 15 minutes.

Ms CHAPMAN: What am I up to?

The CHAIR: Twenty-two and a half. I have been as generous as I can be. Are we going to put them separately?

The Hon. J.R. RAU: Just put them all.

Members interjecting:

The CHAIR: We need to go on. We can't keep talking about it all night.

Ms CHAPMAN: The final—

The CHAIR: You said 60 seconds two minutes ago.

Ms CHAPMAN: I do not think I did, but what I did say was that I am happy to use SA Water as the example. The final aspect of the example I used is this: just this last financial year, SA Water was required to acquire a debt on behalf of government of something like $2.9 billion. They did not have any choice in that; they just had to take on that liability. They have to be an entity which has all the corporate responsibility under a board to make decisions, subject to ministerial direction, to provide income to your government. It is impossible to imagine that they are going to come up with an augmentation framework that is fair or realistic in providing a service without there being major reform. So, the minister has a lot of work to do between the houses. I welcome the first four amendments and I look forward to about 40 more.

The CHAIR: So everyone is happy to put the three amendments en bloc, is that correct?

Amendments carried; clause as amended passed.

Clause 156.

Members interjecting:

The CHAIR: Order!

The CHAIR: Is clause 156 clear? It has nothing on it.

Mr GRIFFITHS: Chair, I do not think any of them are okay, that is just it. The minister is going to put them through and we are going to have some ongoing discussions about opportunities to amend.

The CHAIR: Well, you can vote against it.

Mr GRIFFITHS: All I can say is that the minister responsible in the upper house will have a lot of work to do in this area.

Clause passed.

Clause 157.

The Hon. J.R. RAU: I move:

Amendment No 4 [Planning–2]—

Page 131, lines 29 to 31—Delete 'to applying the principle that funding should seek to distribute costs over the lifetime of the infrastructure (or over some other appropriate period)' and substitute:

to the following principles:

(a) the contributions should be limited to recovering the reasonable capital costs of the scheme based only on infrastructure that is not excessive and that is not produced or delivered at a cost or price that is unreasonable in the circumstances;

(b) the contributions should not have an excessive impact on—

(i) housing or living affordability within a contribution area; or

(ii) the economic viability of a contribution area;

(c) funding under the scheme—

(i) may, as appropriate—

(A) seek to attribute costs over the lifetime of the relevant infrastructure (or over some other appropriate period); or

(B) be based on contributions that become payable on a specified event or events; and

(ii) should recognise the need to provide value for money in connection with funding arrangements including, as appropriate, through the contestable provision of infrastructure;

(d) augmentation charges should be shared between beneficiaries in proportion to the benefits that they receive;

(e) rebates for contributions should be available in appropriate circumstances.

Amendment No 5 [Planning–2]—

Page 131, after line 31—Insert:

(2a) In connection with subsection (2)(c)(i)(B), an event or events that trigger the requirement to make, or to begin to make, contributions should be related to when a benefit will begin to accrue, or is intended to accrue—

(a) in relation to land; or

(b) to the persons who will be subject to charges within a contribution area,

being (for example)—

(c) the division of land; or

(d) a change to Planning and Design Code; or

(e) an approval or the undertaking of development (including development involving the provision of infrastructure).

Amendments carried; clause as amended passed.

Clause 158 passed.

Clause 159.

The Hon. J.R. RAU: I move:

Amendment No 6 [Planning–2]—

Page 132, line 22—After 'funding arrangement' insert:

and to provide advice to the Minister about the levels and amounts of any contributions that are to be recovered under Subdivision 3

Amendment carried; clause as amended passed.

Clause 160.

The Hon. J.R. RAU: I move:

Amendment No 7 [Planning–2]—

Page 133, after line 10—Insert:

(aa) a scheme that provides for the collection of contributions under Subdivision 3 must specify arrangements for the periodic review of the levels and amounts of those contributions and, as part of such a review, may provide for any matter to be considered or determined by ESCOSA, or by some other specified person or body, on application by the Minister or a council; and

Amendment No 8 [Planning–2]—

Page 133, after line 14—Insert:

(ia) the ability to act on an application under paragraph (aa); and

Amendment No 9 [Planning–2]—

Page 133, line 17—Delete 'subsection (1)(c)' and substitute 'this section'

Amendment No 10 [Planning–2]—

Page 133, after line 31—Insert:

(6) A funding arrangement that provides for or includes the collection of contributions under Subdivision 3 in relation to prescribed infrastructure cannot be approved under subsection (3) unless (in relation to the component that relates to the imposition of those contributions)—

(a) the funding arrangement is consistent with a practice direction issued by the Commission with the approval of the Minister for the purposes of this subsection; or

(b) the funding arrangement has been approved by persons who, at the time that the Minister is submitting the funding arrangement for approval of the Governor under subsection (3), own (in total) at least the prescribed percentage of land within the relevant contribution area or areas.

(7) In connection with subsection (6)—

(a) the Commission must, in preparing a practice direction (or a variation of a practice direction) under subsection (6)(a), take reasonable steps to consult with—

(i) an entity or entities that, in the opinion of Commission, represent the interests of persons who are directly involved in providing infrastructure or developing land that may be subject to a scheme of the relevant kind under this Division; and

(ii) —

(A) if the practice direction (or variation) is specifically relevant to a particular council or councils—that council or those councils; or

(B) in any other case—the LGA,

and may consult with any other person or body as the Commission thinks fit; and

(b) the approval of any person under subsection (6)(b) will be obtained or ascertained in a manner determined by the Minister for the purposes of that subsection.

(8) In this section—

prescribed infrastructure means—

(a) infrastructure within the ambit of paragraph (i), (j) or (k) of the definition of *essential infrastructure* under section 3(1); or

(b) without limiting paragraph (a), infrastructure that relates to the provision of public transport; or

(c) other infrastructure brought within the ambit of this definition by the regulations;

prescribed percentage means 75% of the total area of land located within a contribution area or areas.

Amendments carried.

The CHAIR: We are now looking at amendment schedule 1, amendment No. 26 in the minister's name.

The Hon. J.R. RAU: I move:

Amendment No 26 [Planning–1]—

Page 133, after line 31—Insert:

(6) If a report furnished to the ERD Committee under subsection (5) relates to the approval of a scheme for the collection of contributions under Subdivision 3 (in this section referred to as a *contributions scheme*), the ERD Committee must, after receiving the report—

(a) resolve that it does not object to the contributions scheme; or

(b) resolve to suggest amendments to the contributions scheme; or

(c) resolve to object to the contributions scheme.

(7) Subject to subsection (9), if, at the expiration of 28 days from the day on which the report was referred to the ERD Committee under subsection (5), the ERD Committee has not made a resolution under subsection (6), it will be conclusively presumed that the ERD Committee does not object to the contributions scheme and does not propose to suggest any amendments.

(8) Subject to subsection (9), if the period of 28 days referred to in subsection (7) would, but for this subsection, expire in a particular case between 15 December in 1 year and 15 January in the next year (both days inclusive), the period applying for the purposes of subsection (7) will be extended on the basis that any days falling on or between those 2 dates will not be taken into account for the purposes of calculating the period that applies under subsection (7).

(9) If the period applying under subsection (7), including by virtue of subsection (8), would, but for this subsection, expire in a particular case sometime between the day on which the House of Assembly is dissolved for the purposes of a general election and the day on which the ERD Committee is reconstituted at the beginning of the first session of the new Parliament after that election (both days inclusive), the period will be extended by force of this subsection so as to expire 28 days from the day on which the ERD Committee is so reconstituted.

(10) If an amendment is suggested under subsection (6)—

(a) the Minister may proceed to make such an amendment; or

(b) the Minister may report back to the ERD Committee that the Minister is unwilling to make the amendment suggested but the ERD Committee and, in such a case, the ERD Committee may—

(i) resolve that it does not object to the contributions scheme; or

(ii) resolve to object to the contributions scheme.

(11) If the ERD Committee resolves to object to the contributions scheme, copies of the report furnished to the ERD Committee under subsection (5) must be laid before both Houses of Parliament.

(12) If either House of Parliament passes a resolution disallowing the contributions scheme after a report has been laid before it under subsection (11), then the contributions scheme will cease to have effect.

(13) A resolution is not effective for the purposes of subsection (12) unless passed in pursuance of a notice of motion given within 14 sitting days (which need not fall within the same session of Parliament) after the day on which the relevant report was laid before the House.

(14) If a resolution is passed under subsection (13), notice of that resolution must immediately be published in the Gazette.

(15) Subsections (6) to (14) (inclusive) do not apply in a particular case if—

(a) the Minister has consulted with the ERD Committee before the contributions scheme has been finalised; and

(b) the ERD Committee has resolved, on account of that consultation, that the scheme need not be subject to the processes set out in those subsections if or when is has been approved by the Governor as part of the relevant funding arrangement under subsection (3).

Mr GRIFFITHS: Can I get some clarification on that because there appears to be some doubling up. As I understood it, under schedule 1, amendment 26 referred to new clauses 6, 7, 8, 9, 10, 11, 12, 13, 14 and all these things, but amendment 10 from schedule 2 actually replaced 6, 7 and 8 at least, did it not, or am I wrong on that?

The CHAIR: Seven, eight, nine and 10 are going to change the numbering.

Mr GRIFFITHS: Okay, I had not caught up with that.

The CHAIR: Anyway, you are happy with them?

Mr GRIFFITHS: No, I am not happy with them.

The CHAIR: But they have gone through.

Amendment carried; clause as amended passed.

Clauses 161 to 170 passed.

Clause 171.

The Hon. J.R. RAU: I move:

Amendment No 27 [Planning–1]—

Page 138, line 6—Delete 'project' and substitute 'scheme'

Amendment carried.

The Hon. J.R. RAU: I move:

Amendment No 11 [Planning–2]—

Page 138, line 21—Delete 'transfer the balance of the fund' and substitute:

deal with the balance of the fund in accordance with the terms of the scheme, which may include the transfer of money

Amendment No 12 [Planning–2]—

Page 138, after line 26—Insert:

(4a) Despite a preceding subsection, any amount that is attributable to any money paid under Subdivision 3 must be applied for a purpose that benefits the community where the relevant contribution area or areas are located under a scheme approved by the Treasurer.

Amendment No 13 [Planning–2]—

Page 138, line 28—Delete 'or (4)' and substitute ', (4) or (4a)'

Amendments carried.

Ms CHAPMAN: I have tried to listen with interest as to exactly what those amendments were going to do, so I hope I am not replicating this, but this is the winding up provision of the fund, presumably if it is no longer needed and there is some surplus sitting in there. It is all going off to the planning and development fund which I assume to be a fund that will continue to be under the minister's control without any change of objects or purposes for which it is established, or to another fund or account determined by the Treasurer. My first question is: does the Treasurer have the opportunity therefore to direct that he or she gets the whole lot?

The Hon. J.R. RAU: It is the Treasurer's call.

Ms CHAPMAN: So there is no real need to have 'Planning and Development Fund' in there at all because that is just one of the many funds that he could direct it to go to, including to his—

The Hon. J.R. RAU: We would like it to go there as a matter of preference, unless he defers it off somewhere else.

Ms CHAPMAN: Anyway it says 'or' so it seems as though he has the call on that which raises the question as to why he should get it. I appreciate that if we no longer had a planning scheme of any kind and your whole department folded, etc., and we did not have any laws in relation to development or whatever that there could be that extreme circumstance, but why should the Treasurer be getting this money? Why should it not be available for the provision of infrastructure in the future that might be transferred to the local governing agency, council or corporation to provide for extra amenities for that community who, frankly, has made the contribution to it?

Parliamentary Procedure

VISITORS

The CHAIR: Just while we are having a quiet moment, I would like to acknowledge the former member for Bright and hope he is enjoying his time here with us this evening. I am sure you are missing us.

Bills

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL

Committee Stage

Debate resumed.

The Hon. J.R. RAU: I have an answer to that amendment No. 12 which was moved, inserts (4a) which says:

Despite a preceding subsection, any amount that is attributable to any money paid under Subdivision 3 must be applied for a purpose that benefits the community where the relevant contribution area or areas are located under a scheme approved by the Treasurer.

Ms CHAPMAN: Leaving the current incumbent alone for the moment, who I do not usually praise in any event, we have had a different assortment of treasurers here and we will probably have a lot more. Frankly, why should they be part of this process of making a determination in any event? Your ministerial role has been in charge of the scheme that collects it and determines what is going to be paid. It has come in by contributors other than the government, but it is local people in the community who have paid for this. Why should they or their representatives, for example the local council, not make the decision about what it is going to be spent on and what they consider to be their interest? Treasurers think of all sorts of lovely ways to spend our money, and I would not trust them as far as I could throw them.

The Hon. J.R. RAU: Except for the last proposition, with which of course I cannot agree, the other point about treasurers being able to think of things to do with money, I have observed that to be the case. Were it entirely a matter for my consideration, I would not mind it all staying in the P&D Fund or being done something else with.

Can we just have a conversation between the houses as to whether or not we can resolve this matter. I hear what is being said. Let's work out exactly what benefit the member for Bragg thinks is appropriate. If this is what it takes to get us across the line, I am going to move heaven and earth to make sure it happens.

Clause as amended passed.

Clauses 172 to174 passed.

Clause 175.

The Hon. J.R. RAU: I move:

Amendment No 28 [Planning–1]—

Page 141, after line 39—Insert:

(2a) In addition, in the case of any work or activity to be undertaken on land used for residential purposes, the person exercising a power under subsection (1)—

(a) must take reasonable steps to ensure that a notice in the prescribed form is provided to the owner of the land in accordance with the regulations; and

(b) must make every reasonable effort to comply with any reasonable request of an owner or occupier of the land in connection with the exercise of the power.

Amendment carried; clause as amended passed.

Clauses 176 to 177 passed.

Clause 178.

The Hon. J.R. RAU: I move:

Amendment No 29 [Planning–1]—

Page 142, lines 31 to 34—Delete subclause (1) and substitute:

(1) In this section—

major infrastructure project means—

(a) a project that constitutes a scheme that has been established under Division 1; or

(b) any other project that is to be carried out (or is being carried out) by, or that involves, a State agency that is brought within the ambit of this section by the Governor by notice in the Gazette;

responsible Minister, in relation to a State agency, means the Minister primarily responsible for the activities of the State agency;

State agency means—

(a) an agency or instrumentality of the Crown (including a Department or administrative unit of the State); or

(b) another person or body acting under the express authority of the Crown.

(1a) The Chief Executive may, with the approval of the Minister and any other responsible Minister for a State agency that has a direct interest in the matter—

(a) take over responsibility for a major infrastructure project;

(b) without limiting paragraph (a), take over or undertake any work required for, or in connection with, a major infrastructure project.

Amendment No 30 [Planning–1]—

Page 142, line 35—Delete 'subsection (1)' and substitute 'subsection (1a)'

Amendment No 31 [Planning–1]—

Page 142, line 37—Delete 'the scheme' and substitute 'a major infrastructure project'

Mr GRIFFITHS: Particularly in relation to amendment No. 29, can the minister outline why this has been included? I am happy with it, but I would like some reasons for it.

The Hon. J.R. RAU: I am advised that the answer is that if you have one of these coordinated infrastructure schemes and there are many parties playing in the space and they are not necessarily being coordinated, we need a capability for somebody to be able to step in and supervise and oversee the process.

Amendments carried; clause as amended passed.

Clause 179 passed.

Clause 180.

Mr SPEIRS: Madam Chair, I draw your attention to the state of the committee.

A quorum having been formed:

The Hon. J.R. RAU: I move:

Amendment No 32 [Planning–1]—

Page 146, line 6—Delete 'subsection (15)' and substitute 'subsection (13)'

Amendment carried; clause as amended passed.

Clause 181.

Mr GRIFFITHS: I have some general questions on this clause. It goes through other provisions also. In reviewing this, minister, are a lot of these areas a carry over from the current—

The Hon. J.R. RAU: Correct. I think it is just a repeat. I am told it might have been slightly tweaked, but it is substantially the existing P&D Fund arrangement.

Clause passed.

Clauses 182 and 183 passed.

Clause 184.

The Hon. J.R. RAU: I move:

Amendment No 33 [Planning–1]—

Page 148, after line 24—Insert 'and'

(c) an ability for any relevant authority to act under or in connection with paragraph (a) or (b), including where the relevant authority is not the designated entity that has established the scheme,

Amendment No 34 [Planning–1]—

Page 149, line 7—After 'may be' insert 'varied or'

Amendments carried.

Mr GRIFFITHS: I refer to subclause (3)(a). The Property Council has put to me a request (and I am not sure if the minister has had this put to him yet) to delete the word 'requirement', leaving it to read 'an ability for a person who is proposing to undertake development'; 'requirement' is removed. Has the minister had that request put to him?

The Hon. J.R. RAU: We will consider it, but I think our tentative view at the moment is to disagree with that as a proposition. I have agreed with most of their stuff.

Clause as amended passed.

Clauses 185 to 188 passed.

Clause 189.

The Hon. J.R. RAU: I move:

Amendment No 35 [Planning–1]—

Page 155, line 24—Delete 'a person who is authorised to bring proceedings' and substitute 'proceedings that a person is authorised to bring'

Amendment carried.

Mr GRIFFITHS: I need to clarify that this is another example of a carryover from the current legislation.

The Hon. J.R. RAU: It is a carryover except that we do provide here—I mentioned before when we talked about heritage. The one thing we had changed was the right for a person affected to appeal. That is in here. There is also this business about a restricted development determination by the commission: we are also providing a right of appeal in respect of that. And a desktop review is put in here as well.

Clause as amended passed.

Clause 190.

Mr GRIFFITHS: This relates to several areas in subclauses (2) and (3) and is also from the Property Council, so I will put it on the record. They ask that 190(2)(a) be amended to read 'the assessment panel may adopt such procedures as the assessment panel thinks fit, but shall afford procedural fairness to the applicant'. They also ask that subclause (3)(a) be amended to include the words 'furnished to the assessment panel' and the words 'and the applicant'. Ideally, a time frame would be inserted for the review so that this is not open ended. They also ask that subclause (3)(b) be amended such that the assessment manager is required to furnish 'to the panel and the applicant a report on any aspect'.

The Hon. J.R. RAU: I am happy to have a look at that. Without committing myself, that does not sound outrageous. It is pointed out; it is sort of unnecessary in the sense that the rules of natural justice would apply to these things and that would happen, or should happen in any event. But, anyway, we will look at that but it is not confronting.

Clause passed.

Clause 191.

Mr GRIFFITHS: Another request from the Property Council to put on the record. They ask that 191(1) now read:

…must be made within 2 months after the applicant receives notice of the decision to which the application relates (except for the applications made under section 189(1)(g) which must be made within 10 days of making the decision to which the application relates).

The Hon. J.R. RAU: We will look at it.

Clause passed.

Clauses 192 to 196 passed.

Clause 197.

Ms CHAPMAN: This is part 17—Appointment of authorised officers, and associated powers. I did not find this anywhere in the act. If it is replicated, you can let me know where.

The Hon. J.R. RAU: It is replicated from—I think it is 19—that is the feeling I have.

Ms CHAPMAN: I will accept that and have a look at it, and also part 18 while you are there. This is all on civil enforcement.

The Hon. J.R. RAU: Part 17—there are two additions in there. The first thing was about a binding undertaking, if I remember correctly. So we are clear, part 17 which goes to clause 198, is from the old act, so if we can deal with that, perhaps—so that is all migrated.

Ms CHAPMAN: I have here part 19, which seems much longer actually, with a whole lot of penalties but that might be because enforcement is replicated to some degree as part of part 18.

The Hon. J.R. RAU: It is also in 198.

Clause passed.

Clause 198.

Mr GRIFFITHS: The Property Council has put to me a question as to why the word 'natural' is used in subclause (8) on the first line, 'If compliance by a natural person', and they have talked about investigations and the distinction between natural and—

The Hon. J.R. RAU: The first thing to understand is that this is section 18 from the existing act just repeated; and, secondly, as a matter of law, 'natural person' is a real person because you can have a 'legal person' which is not real, believe it or not.

Ms CHAPMAN: Can I clarify then, if we dealt with those two, under part 18 which is all enforcement—both civil and penalties—is that all exactly replicated as well? That was my earlier question which I was jumping ahead of.

The Hon. J.R. RAU: There are some additional provisions in here in relation—let's see—there is a civil penalty.

Ms CHAPMAN: Yes, that is division 3.

Clause passed.

Clause 199.

Ms CHAPMAN: It starts at 199 but part 18 is the enforcement section. So we have civil enforcement and then we have general offences, and there are obviously penalties there. Then there are civil penalties and then there are other matters. There may be bits of this in other parts of the act, but I do not have any similar part that I can find.

The Hon. J.R. RAU: Some of this is novel. I think—

Ms CHAPMAN: Between the houses can you provide a list of what is new and what is not? If it is just replicated in the section—

The Hon. J.R. RAU: Okay. I can just say, very quickly, that the adverse publicity order, which is 210 is new; 212, which is the civil penalties, is new; 216 is new; and 217, which I was starting to talk about before, the enforceable undertakings, is new.

Clause passed.

Clause 200 passed.

Clause 201.

Mr GRIFFITHS: Subclause (19) provides, 'Proceedings under this section may be commenced at any time within 3 years'. Has it been the practice to offer an extension to that three years? Indeed, is three years too long in the first place?

The Hon. J.R. RAU: I think it is an existing provision, but we will check. Three years is a pretty normal time limit in civil matters. It is a normal action in tort; contract is usually six years but in tort it is usually three.

Clause passed.

Clauses 202 to 205 passed.

Clause 206.

Mr GRIFFITHS: The Property Council has requested the position on clause 206(1)(f), so that an authorised officer is not entitled to commence proceedings. It is wondering if that is a carryover provision from the current legislation.

The Hon. J.R. RAU: We are looking; I assume so, but we will keep going and I will let you know. Normally in these proceedings you do have the idea that people can be authorised officers. This could be a council building inspector or someone of that nature. That is what we have in mind. Again, we are checking whether this is an existing provision, but I would be absolutely astounded if an authorised officer is not part of the existing provision.

Mr GRIFFITHS: Thank you for the answer but, given that the other people and other groups listed there do have the authority to do that, for an individual authorised officer it seems a rather generous extension of authority.

The Hon. J.R. RAU: It is a delegation. The authorised officer would probably be an employee or agent of one of these other people. For instance, with the council, who does the council act through? An authorised officer.

Clause passed.

Clause 207 passed.

Clause 208.

Mr GRIFFITHS: In this one, if I can preface my question by saying, for most of the offences of a serious nature, the standard $120,000 is multiplied by five, making a maximum penalty for some of the key offences $600,000 for a company. The question is indeed a query about whether this is an appropriate penalty range, even for a company—whether five times is the appropriate amount.

The Hon. J.R. RAU: I am advised that, whilst the idea of a multiplier is not necessarily a common feature here, it is the standard feature used in commonwealth penalty setting, as I understand it.

Ms CHAPMAN: One of the earlier provisions, minister, provides for quite a severe penalty for the provision of information under the FOI Act which is to be protected. So, presumably, if an employee provides that, they could be subject to it—or an entity, so let me use the lovely SA Water as an example again. If they were to provide information contrary to those provisions or any of these other offences, one of their authorised officers, are they liable for penalties or are they exempt as a statutory corporation of the crown?

The Hon. J.R. RAU: I will seek some advice on that. It will be in the *Hansard*.

Clause passed.

Clause 209 passed.

Clause 210.

The Hon. J.R. RAU: I move:

Amendment No 36 [Planning–1]—

Page 171, line 12—After 'Commission' insert 'or a council (as specified by the court)'

Amendment No 37 [Planning–1]—

Page 171, line 17—After 'Commission' insert 'or a council'

Amendment No 38 [Planning–1]—

Page 171, line 18—After 'Commission' insert 'or council'

Amendment No 39 [Planning–1]—

Page 171, line 19—After 'Commission' insert 'or council'

Amendment No 40 [Planning–1]—

Page 171, line 21—After 'Commission' insert 'or council'

Amendment No 41 [Planning–1]—

Page 171, line 23—After 'Commission' insert 'or council'

Amendment No 42 [Planning–1]—

Page 171, line 25—Delete 'may apply to the court for an order authorising the Commission' and substitute 'or council may apply to the court for an order authorising the Commission or council'

Amendment No 43 [Planning–1]—

Page 171, line 26—After 'Commission' insert 'or council'

Amendment No 44 [Planning–1]—

Page 171, line 27—Delete ', or a person authorised in writing by the Commission' and substitute 'or a council, or a person authorised in writing by the Commission or a council'

Amendment No 45 [Planning–1]—

Page 171, line 29—After 'Commission' insert 'or council'

Amendment No 46 [Planning–1]—

Page 171, line 30—After 'Commission' insert 'or council'

Amendments carried.

Ms CHAPMAN: This I think is a unique new approach which is to require I suppose some rectification in respect of that party. I know it is not completely unique. It has been used in other circumstances, but it is not common. For example, under our Electoral Act, there is provision for the Electoral Commission to direct, if a person publishes misleading and inaccurate information in a material way, that they have to sometimes remove it and then can be ordered to print a retraction, for example, which I suppose indirectly has the effect of publicly identifying that someone has perhaps done the wrong thing.

I am looking forward to the Australian Labor Party's one just recently from a direction, I might mention, from last week. They have taken it off the Twitter account under the direction of the Electoral Commissioner, but I am waiting for the retraction. I am looking forward to it, really; I would like a lovely letter of apology to come with it, but in any event. So, it is not unique, but what has possessed the government to include this in this legislation?

The Hon. J.R. RAU: This was recommended by the panel, but also this provision is basically a consumer protection and information provision. What we are saying is, if you have an offender, and you might be talking here about a serial offender or somebody who is a miscreant of some description, where it is deemed that one of the things that might be helpful is for other members of the public to know that this person should be treated with caution because they represent a risk to people, then this is an option that might be used. It is actually used in some consumer protection areas by the Commissioner for Consumer Affairs.

Ms Chapman: It's usually because they are a fraudster.

The Hon. J.R. RAU: Generally, yes. This is just one of a range of things that might be used.

Clause as amended passed.

Clause 211.

Mr GRIFFITHS: I note that, where proceedings are undertaken by a council, not just the recovery of a legal cost involved but a fine is also imposed and the fine is intended to go to council. Is that a carryover provision?

The Hon. J.R. RAU: Yes.

Clause passed.

Clause 212.

The Hon. J.R. RAU: I move:

Amendment No 47 [Planning–1]—

Page 172, line 3—Delete 'the Commission' and substitute 'a designated entity'

Amendment No 48 [Planning–1]—

Page 172, line 4—Delete 'Commission' and substitute 'designated entity'

Amendment No 49 [Planning–1]—

Page 172, line 7—Delete 'The Commission' and substitute 'A designated entity'

Amendment No 50 [Planning–1]—

Page 172, line 13—Delete 'The Commission' and substitute 'A designated entity'

Amendment No 51 [Planning–1]—

Page 172, line 15—Delete 'Commission' and substitute 'designated entity'

Amendment No 52 [Planning–1]—

Page 172, line 17—Delete 'Commission' and substitute 'designated entity'

Amendment No 53 [Planning–1]—

Page 172, line 18—Delete 'Commission's' and substitute 'designated entity's'

Amendment No 54 [Planning–1]—

Page 172, line 20—Delete 'Commission' and substitute 'designated entity'

Amendment No 55 [Planning–1]—

Page 172, line 23—Delete 'the Commission' and substitute 'a designated entity'

Amendment No 56 [Planning–1]—

Page 172, line 29—Delete 'the Commission' and substitute 'a designated entity'

Amendment No 57 [Planning–1]—

Page 172, line 31—Delete 'Commission' and substitute 'designated entity'

Amendment No 58 [Planning–1]—

Page 173, line 10—Delete 'by the Commission'

Amendment No 59 [Planning–1]—

Page 173, lines 18 and 19—Delete 'the Commission' and substitute 'a designated entity'

Amendment No 60 [Planning–1]—

Page 173, after line 43—Insert:

(17) In this section—

designated entity means—

(a) the Commission; or

(b) a council acting under an authorisation granted by the Commission; or

(c) the Commissioner for Consumer Affairs acting after consultation with the Commission.

(18) An authorisation granted to a council under subsection (17)—

(a) may be granted on conditions determined by the Commission; and

(b) may, if the Commission so determines, be varied or revoked by the Commission.

Amendments carried.

Mr GRIFFITHS: I think the easiest way to put this is that the industry group that contacted me here want to delete the section entirely.

Clause as amended passed.

Clauses 213 to 215 passed.

Clause 216.

The Hon. J.R. RAU: I move:

Amendment No 61 [Planning–1]—

Page 175, line 30—After 'Commission' insert 'or a council (as the court thinks fit)'

Amendment No 62 [Planning–1]—

Page 175, after line 41—Insert:

(5) An amount paid to a council in accordance with an order under subsection (1) must be applied by the council for the purpose of acquiring or developing land as open space (and may be held by the council in a fund established for the purposes of section 185).

Amendments carried.

Mr GRIFFITHS: Just for clarification, is this a carryover provision also?

The Hon. J.R. RAU: No, this is a new provision. It is a panel recommendation.

Clause as amended passed.

Clause 217.

The Hon. J.R. RAU: I move:

Amendment No 63 [Planning–1]—

Page 176, line 2—Delete 'The Chief Executive' and substitute 'A designated entity'

Amendment No 64 [Planning–1]—

Page 176, line 10—Delete 'the Chief Executive' and substitute 'a designated entity'

Amendment No 65 [Planning–1]—

Page 176, line 11—Delete 'Chief Executive, the Chief Executive' and substitute 'designated entity, the designated entity'

Amendment No 66 [Planning–1]—

Page 176, line 18—Delete 'the Chief Executive' and substitute 'a designated entity'

Amendment No 67 [Planning–1]—

Page 176, line 20—Delete 'Chief Executive' and substitute 'the designated entity'

Amendment No 68 [Planning–1]—

Page 176, line 26—Delete 'Chief Executive' and substitute 'relevant designated entity'

Amendment No 69 [Planning–1]—

Page 176, line 37—Delete 'The Chief Executive' and substitute 'A designated entity'

Amendment No 70 [Planning–1]—

Page 177, line 1—Delete 'the Chief Executive' and substitute 'a designated entity'

Amendment No 71 [Planning–1]—

Page 177, line 2—Delete 'Chief Executive' and substitute 'designated entity'

Amendment No 72 [Planning–1]—

Page 177, line 4—Delete 'Chief Executive' and substitute 'Commission'

Amendment No 73 [Planning–1]—

Page 177, after line 6—Insert:

(14) In this section—

designated entity means—

(a) the Commission; or

(b) a council acting under an authorisation granted by the Commission; or

(c) the Commissioner for Consumer Affairs acting after consultation with the Commission.

(15) An authorisation granted to a council under subsection (14)—

(a) may be granted on conditions determined by the Commission; and

(b) may, if the Commission so determines, be varied or revoked by the Commission.

Amendments carried.

Ms CHAPMAN: Having considered these, some of them are novel and may well assist in better enforcement of planning laws. Has the government ever considered reintroducing costs into the courts on these matters?

The Hon. J.R. RAU: I understand the expert panel may have turned their minds to this, but ultimately there was no recommendation. We are doing a number of transitional arrangements. I have explained to people already we have got a transitional bill, we have got a heritage bill and we have got a mining bill coming up. I would be happy to talk to the member for Bragg about this particular issue because it is sometimes the case that cost orders can do some useful work, although I am not necessarily sure this is the right venue for that because it might dissuade ordinary people from exercising their right, so I think we need to balance that up.

That said, however, these enforceable undertakings I think are a novel and useful thing because what happens is you can get people in the room, they can resolve a thing and somebody says, 'I will do this and that. Will that be enough?' At the moment, there is no way of holding them to that, in effect. What this is saying is you get the people around the room, they come to a resolution of their matter and they give then an enforceable undertaking under 217, the breach of which then triggers consequences. It is kind of like costs.

Clause as amended passed.

Clauses 218 to 224 passed.

Clause 225.

Mr GRIFFITHS: Clause 225 defines 'designated entity' as meaning the minister, the commission and the chief executive. It has been put to me that 'designated entity' should be extended to include any relevant authorities.

The Hon. J.R. RAU: We cannot go any further because this is a commonwealth copyright law, so all we can do is basically reflect what that law permits. It is a bit convoluted but, because the councillors will have an interaction with the commission and the e-planning system, they will indirectly get the benefit of this.

Mr GRIFFITHS: Will others be able to access the details contained within the application and use it in a different way, or is it exclusive?

The Hon. J.R. RAU: It is a public service. The commonwealth Copyright Act provides special provisions in respect of entities that are, in fact, the expression of the state, as opposed to other entities that might be acting for commercial private purposes, or whatever the case might be.

Mr GRIFFITHS: I can put on the record the request from the Property Council and they ask:

…include an express provision that asserts that, unless advised to the contrary, any application lodged for the purposes of the act is subject to a licence for the use of the document by all persons performing any function or relying upon any document for the purposes of the administration of the act.

The Hon. J.R. RAU: We will look at it but, obviously, copyright is a commonwealth matter.

Clause passed.

Clauses 226 and 227 passed.

Clause 227A.

The Hon. J.R. RAU: I move:

Amendment No 74 [Planning–1]—

Page 181, after line 35—Insert:

227A—Delegation by Minister

(1) The Minister may delegate any of the Minister's functions or powers under this Act.

(2) A delegation—

(a) may be made—

(i) to a particular person or body; or

(ii) to the person for the time being occupying a particular office or position; and

(b) may be made subject to conditions or limitations specified in the instrument of delegation; and

(c) if the instrument of delegation so provides, may be further delegated by the delegate; and

(d) is revocable at will and does not derogate from the power of the Minister to act in any manner.

Mr GRIFFITHS: Where does this one come from, minister?

The Hon. J.R. RAU: Section 20 of the current act allows the minister of the day to make delegations and, up until this, there was no power for the minister to make delegations, so this cures that defect. It is restoring the status quo.

New clause inserted.

Clauses 228 and 229 passed.

Clause 230.

Mr GRIFFITHS: Minister, in this area, the Local Government Association has requested instead of the clause requiring consultation with the LGA and any regulations made that have an impact on the role of council or joint planning board.

The Hon. J.R. RAU: We are having that discussion, so you can assume that that is something that we are looking at and you will hear more about that shortly.

Clause passed.

Schedules 1 and 2 passed.

Schedule 3.

The Hon. J.R. RAU: I move:

Amendment No 14 [Planning–2]—

Schedule 3, clause 1, page 191, after line 37—Insert:

(da) a code of conduct to be observed by scheme coordinators, or members of committees appointed as scheme coordinators, under Part 13 Division 1; and

Ms CHAPMAN: I had noted this as one of the future illuminating clauses to one of the questions I raised earlier as to what is to occur and what standards will be imposed. I just note that, frankly, this does not tell me anything. It says that there needs to be a code and that it needs to be published, presumably for everyone to read it whenever it happens.

In addition, there needs to be compliance with it and there are certain consequences if you do not, and you can go to the SACAT if you have any problems with it. To be frank, in response to

the earlier question, it gives me absolutely no comfort as to what that might be because, as usual, along with the charter, regulations, design code and the like, there is no detail.

Amendment carried; schedule as amended passed.

Schedule 4.

Ms CHAPMAN: This relates to performance targets and monitoring. If this is in any way consistent with the government's current targets in the State Strategic Plan—it is now a webpage which gives an indication from time to time about what might have changed. We no longer have any review of it; we have targets that were never reached. We have amendments to them. We have identified areas which they have no hope of ever reaching, and so they are removed. These are new performance targets in respect of:

(a) any goal, policy or objective under a state planning policy; or

(b) any objectives, priorities or targets included in a planning agreement.

If you were to say, 'There is to be three dwellings on every block in the suburb of Norwood by 2020,' and you fail to reach that, there appears to be no indication about how there is going to be clear and measurable goals or how the measure is going to be able to be specified for the purpose of monitoring its progress.

You can vary it and you can withdraw it. The commissioner has some obligation to publish periodic updates, etc., which I might point out is how the State Strategic Plan started, and that seems now to have morphed into a rather difficult webpage to view, with a whole list of failed targets. I would certainly want to have some understanding about why we even have this in here and whether in fact you have any draft in mind, if it has some merit, and how on earth it is going to operate.

The Hon. J.R. RAU: First of all, this was a recommendation from the panel. Secondly, subclause (2) is actually a reflection of what is in the regulations presently, as I understand it. The third point I would make is that, if you are going to manage anything at all, it helps to be able to measure it and understand what is going on. It is important—

Ms Chapman: It's not the Premier's State Strategic Plan.

The CHAIR: Order!

The Hon. J.R. RAU: I am only answerable for the small things in my space, and this is one of them.

Schedule passed.

Schedule 5.

Mr GRIFFITHS: Time frames, minister; just a simple one. I understand there are 46 different areas where the regulations can be established; they are somewhat of interest to people. When do you intend to have them available?

The Hon. J.R. RAU: They are going to roll out progressively. Some bits will be completed before others. There are some things, as I said before—very early in the piece we would hope to establish the commission, for instance. So if there are any regulations hanging off—

Ms Chapman interjecting:

The Hon. J.R. RAU: I do not know; I have not turned my mind to that yet. We do not even have a commission yet. As I said, that sits early in the piece; other things will come down later. We will get to them as quickly as we possibly can.

Schedule passed.

Schedule 6.

Mr GRIFFITHS: Part 7, amendment to the Local Government Act. Have we passed that?

The CHAIR: Part 7 is in schedule 6 but we are prepared to be benevolent at this point. What is your question?

Mr GRIFFITHS: Thank you very much. This is talking about amendments to the Local Government Act 1999 and the request from the Local Government Association to me is for these three areas to be deleted.

Members interjecting:

The CHAIR: Order!

Mr GRIFFITHS: I presume the Minister for Planning has had a briefing with the Minister for Local Government. Has the Minister for Local Government put to him any concerns on behalf of his portfolio area for these?

The Hon. J.R. RAU: We are in discussions with local government about these matters and we will hopefully come to some understanding, or not as the case might be. I am advised that this is an extension of existing arrangements with local government but, anyway, we are in chats with them, yes.

Schedule passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (23:52): I move:

That this bill be now read a third time.

I would like to thank members of the opposition and, in particular, the member for Goyder and the member for Bragg for their assistance in relation to this matter. I also thank my staff, parliamentary counsel and members of the DPTI planning staff who have done an excellent job on this. It has been a lot of work and will continue to be a lot of work but we are committed to keep working with the people in the industry and so on who are interested in this. We are interested in helping get the really good outcome that we all want.

I am very keen to continue working with the member for Bragg and the member for Goyder about this because I am confident that we can get to the point where, if there are further changes to be made, we can agree them before this matter is dealt with in another place, and when they see it in the other place they will just say, 'My God, this is fantastic. We don't want to touch it; just zip it through.'

An honourable member: Good luck!

The DEPUTY SPEAKER: I think he is having a lend.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (23:54): May I also thank those who have assisted us during the course of the negotiations. I think it is fair to say that, after a long period of consultation in respect of planning reform and the amendment to the act, a rewrite of the planning law in South Australia was overdue to some degree.

I thank Mr Hayes—I think I already have in a previous contribution—for his and the panel's work in this regard. I think he was the author of the first one, the current planning act, so he probably had a pretty good idea of what was deficient by the time he had been through a few court cases on it but, nevertheless, that helped.

I am disappointed that the government has tried to put through infrastructure levy reform, which is a very significant area of dispute, together with effectively an urban growth boundary in a statutory manner. It is almost like holding the industry to ransom after stringing them along for so long to actually have it resolved. Nevertheless, we will work through and navigate as best we can to have some legislation out of this which is workable and which will advance equitable access to planning law in this state.

There is one area that has not been dealt with, and that is: what is the government going to do with the Coordinator-General? I raised it during the course of the debates. I have had no response in relation to that. It may be that the Attorney has not yet spoken to the Premier, who has the Coordinator-General responsible to him. He has the capacity in his discretion to deal with any development over the value of $3 million, which is just absurd. If this reform comes into place to do even half of what the government claims it is going to do, there is absolutely no basis for us having a highly paid public servant to apparently navigate through the difficult processes which have been largely self-inflicted by this government. I think that needs to be remedied and I think we need to have some answer from the government about that role.

I say all this without casting any aspersions in any way on the current incumbent Coordinator-General, but I make the point that we have ended up with this role ostensibly because of the failed management of the government in relation to this area and the overly bureaucratic processes that we all have to face in dealing with this area. I think we should have some answers from the Premier on that issue and we should know about it before the debate concludes in another place.

Mr GRIFFITHS (Goyder) (23:56): I want to thank the minister's staff for the support provided. When I have sought answers they have provided them, so thank you very much. Can I put on the record my respect for my colleagues who have been involved in the debate on this bill. I think they have done, individually, very well, and I appreciate those who spoke to it.

Importantly, though, can I pay my respects to those who provided me with submissions and who were available at very short notice to give me their considered opinion on various aspects of it. The tightness of the debate opportunity has made it rather difficult, and the amendments that have come through, but it is an effort to try to ensure that we get good outcomes.

I know that from the minister's perspective that is what he wants to be the case, too. There is an enormous amount of work to still be achieved over the next week and a half before there is a final version, and that will still be subject to the numerous amendments that I am sure the Hon. Mr Parnell will be moving in the other place as well. It has been an interesting time that has consumed my life for the last three months.

The DEPUTY SPEAKER: The member for Hammond is going to be very, very quick.

Mr PEDERICK (Hammond) (23:57): I will be very quick. Thank you, Madam Deputy Speaker, for your forbearance once again in relation to this bill. I must say that the big thing that I am distressed about, essentially, is the proposed environment and food production area which will extend right out to the boundaries of the Rural City of Murray Bridge and take in Alexandrina Council in my electorate as well as other councils. I will be very interested in the debate in the other place in regards to this, because, as the minister said during the debate, this is essentially making these areas character preservation areas equivalent to McLaren Vale and Barossa Valley with little or no consultation. I express my disappointment.

The DEPUTY SPEAKER: The Chair also acknowledges everyone's efforts tonight and thanks them for their cooperation.

Bill read a third time and passed.

At 23:59 the house adjourned until Wednesday 18 November 2015 at 11:00.

Answers to Questions

HOSPITAL STAFF, SAFETY

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (11 November 2014). (First Session)

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries):

The decision to pursue criminal charges against an assailant is a matter for South Australia Police (SAPOL) and of personal choice for staff members. Given this, SA Health does not record whether an individual staff member has pursued criminal charges and, therefore, this information cannot be extrapolated from the human resource file for statistical purposes.

SA Health takes incidents of assault against staff members very seriously. Matters are reported to SAPOL and immediate action is taken to ensure the continuing safety and well-being of the staff member.

If a staff member is assaulted, they are provided with immediate first aid, if deemed necessary. If the staff member is injured and needs time from work or medical assistance, they may make a claim for compensation and the rehabilitation consultant can help the staff member and coordinate their return to work and recovery.

The staff member or their supervisor is required to report the injury to the injury hotline, where referral occurs to a rehabilitation consultant, as required. Daily reports are provided to senior management.

The staff member, or delegate if needed, is required to complete an incident report. The circumstances are then investigated and assessed with respect to prevention of future occurrences.

Staff members are also encouraged to contact the Employee Assistance Program (EAP) for confidential counselling, which is provided at no cost to the employee and their immediate family members. The EAP service is also available 24/7 to provide critical incident response, when required.

HEALTH REVIEW

In reply to **Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (25 March 2015).

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries):

1. It is estimated that around $4.5 million GST exclusive had been spent as of 31 March, 2015. This figure is expected to reach the budgeted $6.4 million once all invoices are received and paid.

2. The $6.4 million funding allocated to Transforming Health in the Mid-Year Budget Review was for the development of a plan for a sustainable health system, including a full business case, and community consultation. In addition, $2.4 million GST exclusive was subsequently approved for additional resources, to support the initial implementation of the Transforming Health program, in particular to commence productivity improvements in the health system to prepare for winter demand including improvements to mental health patient flows.

3. As at 31 March, 2015, included in the total project expenditure, $645,000 (GST exclusive) was paid for advertising and promotion.

4. At the Mid-Year Budget Review, the funding allocated for material and production costs associated with stakeholder engagement, including advertising, was $735,000 (GST exclusive).

5. SA Health has not spent any money on opinion polling.

VOCATIONAL EDUCATION AND TRAINING

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (3 June 2015).

The Hon. J.W. WEATHERILL (Cheltenham—Premier): The Minister for Employment, Higher Education and Skills has advised that—

The government will subsidise approximately 81,000 training places in 2015-16, which is slightly more than in 2014-15, and which is more than the approximately 65,000 training places funded by the South Australian government immediately prior to the introduction of Skills for All.

In 2015-16, overall approximately 25% of subsidised training places will be available, or are currently available, to private providers. The number of contestable places will continue to increase as the government implements WorkReady.

WorkReady continues to offer contestable places to the market and will be fully implemented by 1 July 2019. We expect private providers and TAFE SA to be operating on an equal subsidy rate, for commercial courses within that timeframe. The number of contestable places will continue to increase as the government implements WorkReady.

LYELL MCEWIN HOSPITAL

In reply to **Dr McFETRIDGE (Morphett)** (17 June 2015).

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries):

I am told that on Tuesday 16 June 2015, the Lyell McEwin Hospital had 11 ICU patients who were managed within the ICU area. No recovery areas or flex beds were necessary on this day and no elective surgery was cancelled due to ICU pressures.

HEALTH BUDGET

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (1 July 2015).

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries):

1. The correct figures about beds per 1,000 population from the Australian Institute of Health and Welfare Hospital Statistics are 2.9 for South Australia, the highest in Australia, compared to the national average of 2.5. Each South Australian also spends an average of 3.6 days in hospital per stay, nearly 10 per cent higher than the national average of 3.3 days.

The Transforming Health program has involved the engagement of clinical leaders across the health system and by consensus it was agreed to benchmark to a health round table peer hospital which had the third shortest length of stay. Improvements in the length of stay and processes in hospitals will mean that we will be able to provide current services, including allowing for growth in both population and ageing, with fewer acute beds.

2. To achieve the clinical standards of care developed by our clinicians, the structure of the system and how services are delivered needs to change. The benchmarking to the health round table peer hospital provides an opportunity to become more efficient in how we best care for our patients. By improving pathways within the hospitals, the requirement for the number of acute beds in the system decreases compared to the number of beds used in 2013-14; however, through this process there will be more subacute beds available.

These reductions in acute beds are achieved through practice improvement strategies which can reduce length of stay for the patient. This means a potentially greater number of patients can be treated using fewer acute inpatient beds. Under the leadership of clinicians the things we need to measure going forward are quality of care and patient health outcomes, not the number of beds.

3. Transforming Health is an ongoing initiative designed to optimise care so South Australians get the best care, first time, every time. This includes continually reviewing the clinical evidence and applying new technologies which will improve how services are delivered. Initiatives to improve the quality of care and achieve better health outcomes for all South Australians will continue into the future.

Estimates Replies

RETURNTOWORKSA

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (22 July 2015). (Estimates Committee A)

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform): I have been provided the following advice:

ReturnToWorkSA published the industry rates for 2015-16 in the *Government Gazette* dated 14 May 2015. The rates are available on the ReturnToWorkSA website.

RETURNTOWORKSA

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (22 July 2015). (Estimates Committee A)

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform): I have been provided the following advice:

ReturnToWorkSA invests using a 'manager of managers' model and uses the services of 14 fund managers.

RETURNTOWORKSA

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (22 July 2015). (Estimates Committee A)

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform): I have been provided the following advice:

The administration fee paid by self-insured employers in the 2014-15 financial year was $16.022 million, being $7.837 from the private sector self-insurers and $8.185 from the Crown self-insurers.

Calculation of fee

Self-insurers pay the fee pursuant to section 146 of the *Return to Work Act 2014*. This section requires that the self-insurers pay a fair contribution towards:

- the administrative costs of the Corporation
- the cost of rehabilitation funding
- the cost of the system of dispute resolution
- the cost of the administration of part A (independent medical advisers)
- actual and prospective liabilities relating to insolvency.

The percentage rates are determined by analysis of the Corporation's administrative budget under the principles of activity based costing to determine what percentage of each budget element self-insurers should pay.

The Crown element does not contain any component relating to insolvency whereas the private sector fee rate includes a 1% contribution toward insolvency which is applied to any employer that has been a self-insurer for less than ten years.

RETURNTOWORKSA

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (22 July 2015). (Estimates Committee A)

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform): I have been provided the following advice:

Employers Mutual and Gallagher Bassett have been contracted to provide claims management services for the return-to-work scheme since 1 January 2013.

In the 2014 calendar year, they were paid the following amounts (exclusive of GST):

- Employers Mutual Ltd—$28.096 million
- Gallagher Bassett Services Pty Ltd—$27.992 million.

RETURNTOWORKSA

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (22 July 2015). (Estimates Committee A)

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform): I have been provided the following advice:

The average premium rate for the scheme is calculated based on the cost of claims, remuneration of insured employers and the administrative costs of running the return-to-work scheme.

ReturnToWorkSA does not collect information on the administrative costs of self-insured employers and therefore cannot provide any reliable comparison between the average premium rate of 1.95% to an equivalent cost of self-insurance.

RETURNTOWORKSA

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (22 July 2015). (Estimates Committee A)

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform): I have been provided the following advice:

There is no requirement for ReturnToWorkSA investments to be in South Australian assets or securities.

RETURNTOWORKSA

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (22 July 2015). (Estimates Committee A)

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform): I have been provided the following advice:

Yes. Section 135(3)(f) of the *Return To Work Act* requires that the compensation fund be applied towards a contribution towards the system of dispute resolution.

RETURNTOWORKSA

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (22 July 2015). (Estimates Committee A)

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform): I have been provided the following advice:

ReturnToWorkSA uses an industry based classification system to assign an appropriate classification for each employer location, based on predominant business activity.

Each South Australian Industry Classification has a corresponding industry premium rate, which is calculated each year using the claims cost performance of all businesses classified in that industry. An industry premium rate is not necessarily linked to the perceived risk involved for workers in that industry – it is linked to actual claims experience.

The Local Government Association Workers of South Australia has 92 locations registered with ReturnToWorkSA across five industry classifications. The table below details the industry classifications and applicable rates.

SAIC	Industry Classification	SAWIC Rate 14/15	SAIC Rate 15/16
753001	Local Government Administration	4.839	3.895
860101	Aged Care Residential Services	6.887	4.821
952002	Crematorium and Cemetery Services	6.438	5.203
291101	Solid Waste Collection Services	7.342	5.914
696201	Management Advice and Related Consulting Services	0.4	0.331

ReturnToWorkSA is not provided with information on what the Local Government Association Workers Compensation Scheme (LGAWCS) charges its individual locations and therefore cannot comment at the industry classification level how the LGAWCS average rate compares to the return-to-work scheme or comparable industry rates.

However for 2014-15 the LGAWCS Board maintained its gross contribution rate at 4.25%(1). Its effective contribution rate for the accident year ending 2014 is reported to be 2.73%(2).

Without detailed information on how the gross contribution and effective contribution is calculated, ReturnToWorkSA cannot give an accurate comparison against industry rates.

(1) Local Government Association of South Australia Ordinary General Meeting 1 May 2015.

(2) Valuation of Outstanding Claims Liabilities as at 30 June 2014, LGA Workers Compensation Scheme, Cumpston Sarjeant issued 13 August 2014.

RETURNTOWORKSA

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (22 July 2015). (Estimates Committee A)

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform): I have been provided the following advice:

The number of ReturnToWorkSA full-time equivalent employees as at 30 June 2014 (as reported in the 2013-14 Annual Report) was 272.1 FTE.

This is 1.7 FTE less than the 30 June 2015 estimate of 273.8 FTE shown in Budget Paper 3 at page 86.

SELF-INSURED INJURY MANAGEMENT SYSTEM

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (22 July 2015). (Estimates Committee A)

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform): I have been provided the following advice:

Budget Paper 4, Volume 3, page 146—Investing expenditure summary, relates to government information and communication and is the responsibility of the Department of the Premier and Cabinet (as identified in the header of page 146).

SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (22 July 2015). (Estimates Committee A)

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform): I have been provided the following advice:

The amount of funding expensed by ReturnToWorkSA in 2014-15 in respect to the South Australian Employment Tribunal was $0.604 million.

RETURNTOWORKSA

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (22 July 2015). (Estimates Committee A)

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform): I have been provided the following advice:

Chant West is a consultancy firm which conducts research on most of the leading superannuation and pension funds, and asset consultants in Australia.

On a quarterly basis Chant West runs a quarterly investment performance survey for superannuation funds across a range of risk profiles. The most relevant survey for RTWSA's risk profile is for Balanced Funds (41-60% growth assets), which has over 35 funds participating.

Super SA's Moderate option also participates in this survey and is the Funds SA investment option which is closest to RTWSA's investment portfolio in terms of strategic asset allocation.

The figures below are from the Chant West survey as at 30 June 2015.

Funds	1 Year	3 years pa	5 years pa
Median return of survey	7.8%	9.9%	8.1%
Super SA Moderate	8.2%	10.8%	9.3%
ReturnToWorkSA	8.6%	11.4%	9.9%

SOUTH AUSTRALIAN SPORTS INSTITUTE

In reply to **Mr WHETSTONE (Chaffey)** (23 July 2015). (Estimates Committee A)

The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing):

The Office for Recreation and Sport, through its maintenance arrangement with the Department of Planning, Transport and Infrastructure—Asset Management, spent $139,049.94 maintaining the facilities at Kidman Park. This figure includes the facilities jointly occupied by the South Australian Sports Institute (SASI) and the Office for Recreation and Sport.

In addition, $154,182.00 was spent on capital works/improvements. Once again, this figure includes the facilities which are jointly occupied by the South Australian Sports Institute (SASI) and the Office for Recreation and Sport.

STUDENT INFORMATION SYSTEM

In reply to **Mr PISONI (Unley)** (23 July 2015). (Estimates Committee B)

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers): I am advised:

The total cost of the Capital Program project to install and implement the Student Information System was $20,582 million. The project ran from July 2008 through to June 2013.

VOCATIONAL EDUCATION AND TRAINING

In reply to **Mr PISONI (Unley)** (23 July 2015). (Estimates Committee B)

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers): I am advised:

The table below provides the estimated number of equivalent training places on a comparable basis to the 2015-16 estimate of 81,000.

2011-12	2012-13	2013-14	2014-15	2015-16
65,000	104,000	119,000	80,000	81,000

As evident in the data, the number of equivalent training places grew significantly following the once-off additional investment in training in 2012-13 and 2013-14. Government investment has now returned to sustainable levels noting the number of training places remains above pre-Skills for All levels (2011-12).

CARNEGIE MELLON UNIVERSITY

In reply to **Ms SANDERSON (Adelaide)** (23 July 2015). (Estimates Committee B)

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers): I have been advised:

203 students have enrolled in the global track program since it started in 2008. 76 students were enrolled in the program at the Carnegie Mellon University Australia Campus, in August 2014. These students were on campus for their studies until May 2015.

Global track students stay in Adelaide for two semesters, while the third semester is an internship that may be spent in Adelaide or elsewhere, including offshore, depending on the location of the employer. Students then move to the university's Pittsburgh campus where they spend two semesters and are expected to complete their studies.

Since 2006, 374 students have graduated from Carnegie Mellon University Australia. As of August 2014, 130 students were enrolled at the university's Australia campus.

CMU have advised that they have absolutely no plans to leave Adelaide.

They have indicated that questions regarding their commitment to Adelaide raised in parliament are potentially damaging to their brand as student enrolling in their courses commit to many years of study.

CMU is entering into discussions for a longer-term lease on the building they occupy and have taken over additional space previously occupied by the Torrens Resilience Institute and UCL.

2015 was CMUs biggest intake of students with a 38% increase in growth compared to the same period last year and they are confident of sustaining a good growth rate going forward.

Breakdowns of specific student enrolment data is of a commercial in confidence nature and should be sourced directly from the university.

BIOSCIENCE PRECINCT

In reply to **Ms SANDERSON (Adelaide)** (23 July 2015). (Estimates Committee B)

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers): I am advised:

Government is generally not the end user of the types of technologies that the start-ups are generating, and as yet government businesses have not commissioned or used the services of start-ups at the bioscience hub.

Government promotes the South Australian high-tech sector through various channels, and many bioscience hub-based companies have benefited through the generation of private sector interest leading to investment, sales and partnerships.

BUSINESS AND CONSUMER SERVICES

In reply to **Mr GRIFFITHS (Goyder)** (23 July 2015). (Estimates Committee B)

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers): I have been advised:

In relation to the 2013-14 financial year, 33 Consumer and Business Services employees (equating to 29.59 FTEs) accepted a TVSP.

The average cost of these TVSPs was approximately $119,000.